

In the matter of David Baird Lindsay, formerly carrying on trade and business as a Coffee Planter, in the Island of Ceylon, and now an Assistant in the office of Messrs. Gladstone, Wylie and Company of Calcutta, Merchants and Agents, an Insolvent.

In the matter of William Blayd Barlas, of Calcutta, who for some time carried on business with Messrs. C. R. Lackersteen and Company, of the same place, Merchants, in making certain shipments of Goods and Produce to Great Britain on joint account, and lately carried on business as a Merchant on his own individual account, an Insolvent.

In the matter of Joseph Henry Moore Harvard, formerly of Benares, Sub-Deputy Opium Agent, in the Service of the East India Company, afterwards of Boitakannah in Calcutta, carrying on trade and business of a Carrier and a Passenger-Carriage Proprietor in the Strand Road in Calcutta, under the style or firm of the "Equirotal Waggon Transit Company," now of Patna, Senior Surveyor of the Patna Government Opium Agency, but at present residing in the Circular Road in Calcutta, Trader, an Insolvent.

Judge and Burkinyoung, Attorneys.

Robertson, Attorney.

Owen, Attorney.

Chief Clerk's Office, 20th February 1852.

*In the Court for the Relief of Insolvent Debtors at Singapore.*

In the matters of Khadir Pakier, late a Trader, Heng No, late a Trader, Chiah Seang, late a Trader, Delbader, late a Serang, Low Kim Eng, late a Trader, Lack Ha and Chu Ha, late Traders, James Nayanapregassim, late a Dubash, Swee Low, late a Broker, Wee Soon Leong, late a Trader, and Kistnasamy, late a Dubash, of Singapore respectively, Insolvents.

NOTICE is hereby given, that Petitions have been filed by the above-named Insolvents respectively, praying for the benefit of the Act made for the Relief of Insolvent Debtors in India, and that the Estate and Effects of the said Insolvents respectively, have been vested in William Willans Willans, Esquire, the Official Assignee of the said Court. The matters of the Petitions of the said Insolvents will be heard at the Court House at Singapore, on Monday, the 26th day of April 1852, at 10 o'Clock in the forenoon. Any Creditor intending to oppose the discharge of any of the said Insolvents, must give Notice thereof in

On Saturday the 7th and Saturday the 14th days of February instant, It was ordered that the first Saturday in the month of March 1853 be appointed for the further Hearing in these several matters, and unless cause be shewn to the contrary on that day, the said Insolvents shall be discharged personally, as well as to their after-acquired property, from all liability for debts, claims and demands of and against the said several Insolvents at the time of filing their petitions for relief.

writing to such Insolvent three clear days before the day of Hearing, and a like Notice to the Chief Clerk on or before the day preceding the day of Hearing.

H. C. CALDWELL,

Chief Clerk, Singapore.

Singapore, Chief Clerk's Office, }  
8th January 1852.

*In the Court for the Relief of Insolvent Debtors at Singapore.*

In the matter of Hanifasah, of Singapore, late a Merchant, an Insolvent.

NOTICE is hereby given, that Monday, the 26th day of April 1852, is appointed for further Hearing in the above matter, for the purpose of declaring a Dividend.

H. C. CALDWELL,

Chief Clerk, Singapore.

Singapore, Chief Clerk's Office, }  
8th January 1852.

*In the Supreme Court of Judicature at Fort William in Bengal.*

IN EQUITY.

Sree Mutty Puddomoney Dossee

versus

Ramdhone Mitter, Gocoolmoney Dossee and Rajlucky Dossee.

NOTICE is hereby given, that on the Tenth Day of March now next ensuing, or so soon thereafter as Counsel can be heard, this Court will be moved on behalf of the Complainant abovenamed for an Order that the Bill of Complaint filed in this Cause may be taken *pro confesso* as against the Defendants, Ramdhone Mitter and Gocoolmoney Dossee, for want of answer pursuant to the Rule of this Honorable Court in this behalf made and provided, dated this fifth day of February One Thousand Eight Hundred and Fifty-two.

G. O. BEEBY.

Complainant's Solicitor.

সূবে বাঙ্গলার কোর্ট উইলিয়াম দুর্গ নংক্রান্ত  
প্রধান বিচারালয়।

ইন ইকুইটি

ক্রিমতি পদ্মমণী দাসি—বাদি  
রামধন মিত্র গোকুলমণী দাসি  
এবং রাজলক্ষী দাসি—প্রতি-  
বাদিগণ।

এতদ্বারা সৎবাদ দেওয়া যাইতেছে যে আগামী  
দশই মার্চ দিবসে কিম্বা তৎপরে যত সিদ্ধি কৌন্সিল  
শুনানি করিতে পারে উপরোক্ত বাদির পক্ষে এইরূপ  
এক হুকুমের জন্য অত্র আদালতে আবেদন করা  
যাইবেক যে অত্র মোকদ্দমায় যে বিলফাইল হয়  
তাহা রামধন মিত্র ও গোকুলমণী দাসির বিরুদ্ধে  
তাহারা জওয়ার না দেওয়াতে এই আদালতের  
নিয়মানুসারে প্রোকনফেসো অর্থাৎ এক তরফা  
স্বরূপ গ্রহণ করা যায় তারিখ ৫ ফেব্রুয়ারি ১৮৫২।

জি ও বিঃ

বাদির উকীল

NOTICE.—The Interest and Responsibility of Mr. Robt. Eglinton, in our Establishment, ceased on the 31st December 1851.

EGLINTON & Co.

Calcutta, 17th February 1852.

**North-Western Bank of India.**

THE opinion of Counsel, which has been taken as resolved by the Shareholders at the last Half-yearly General Meeting, being favorable to the feasibility of registering the Bank under Act No. XLIII. of 1850, the Manager hereby calls a Special Meeting of the Shareholders for the purpose of resolving that the Company shall be registered under the said Act, to be held at the Bank Premises, No. 4, Old Council House Street, Calcutta, at Noon, on Tuesday, the 20th day of April 1852.

This notice is given in pursuance of and as required by the fourth Section of the said Act XLIII. of 1850.

JOHN O'B. TANDY,  
Manager.

North-Western Bank of India, }  
Calcutta, 27th December 1851. }

**BANK OF BENGAL RATES.**

**DISCOUNT.**

Private Bills and Notes at or within } 10 per Cent.  
3 months, ..... }  
Government Acceptances do., .... 6 " "

**INTEREST CHARGED.**

On Fixed Loans, not exceeding 3 }  
months, on Deposit of Company's } 8 " "  
Paper, ..... }  
On Deposit of Opium, ..... 9 " "  
On Deposit of Metals and Indigo, 9 " "  
On Deposit of other Goods, .... 10 " "  
On Accounts of Credit, not exceed- }  
ing 3 months, on Deposit of Com- } 8½ " "  
pany's Paper, ..... }  
On Deposit of Opium, ..... 9½ " "  
On Deposit of Metals and Indigo, 9½ " "  
On Deposit of other Goods, .... 10½ " "

W. GREY, Secy. & Treasurer.

Bank of Bengal, }  
Calcutta, 17th Sept., 1851. }

**Military Orphan Press.**

IT is hereby notified, for general information, that from and after the date of this advertisement all Bills and Receipts connected with the Military Orphan Press, will be signed by the Secretary of the Military Orphan Society, and that without such signature no Bills nor Receipts will be considered valid and sufficient.

By order of the General Management of the Military Orphan Society,

JOHN T. D. KIDD,

KIDDERPORE, } Secy. M. O. S.  
31st January, 1851. }

LOST,—First Half of a Bank of Bengal Note, Pd. No. 19130, for Co.'s Rs. 100, the payment of which has been stopped at the Bank.

THIS DAY IS PUBLISHED,  
**The New Quarterly Bengal Army List,**  
**No. XII.**

OF HER MAJESTY'S AND THE HON'BLE COMPANY'S  
FORCES ON THE BENGAL ESTABLISHMENT.

Exhibiting the Rank, Standing, and Various Services of every Officer in the Army, distinguishing those who have received Medals and other distinctions, and who have been wounded, and in what actions; with their period of Service and dates of Commission.

CORRECTED TO 10TH JANUARY, 1852.

To which is added,

**A List of Civil Servants**

IN BENGAL AND THE NORTH-WESTERN PROVINCES,  
with the dates of their Appointments, &c.

PRICE—Four Rupees, each Quarterly Number, or  
to Subscribers, 12 Rupees per Annum,

Payable in Advance.

It is requested that all communications, orders or remittances for the above Army List be sent to the publishers, R. C. Lepage and Co.

A few Copies of previous Numbers of the New Army List are available to parties desirous of securing a complete series of the publication.

13th January, 1852.

**A MANUAL OF ANATOMY**

**IN HINDUSTANI.**

BY FRED. J. MOUAT, M. D. F. R. C. S.,

&c. &c. &c.

**ALREADY PUBLISHED.**

Part. V. Containing the Brain and Nervous System, with 23 marginal illustrations.

VI. Containing the Organs of Sense and Voice, with 84 illustrations, viz., of the Eye and its Appendages, 22 drawings; The Ear 23, the Nose 10, the Tongue 6, the Skin and its appendages 15, the Larynx 8.

Each part is distinct, complete, and separately paged. The remaining parts, containing the General Anatomy of the Tissues, Bones and Ligaments, the Muscular and Vascular Systems, with the viscera of the Chest, Abdomen and Pelvis, are in course of preparation, and will appear as quickly as the limited leisure at the disposal of the Author will permit. They will all be translated from the last Edition of Quain and Sharpey's Elements of Anatomy, by permission of Professors Sharpey and R. Quain.

The illustrations, drawn on Stone, are by Mr. C. Grant.

Price, per part, plain, ..... 3 Rupees.  
colored, ..... 6 Ditto.

Sold at the Government Book Agency.

**JUST PUBLISHED,**

And for Sale at the Exchange Hall,

AN INDEX to the Acts of the Legislative Council of India, from their commencement to the close of the year 1849.

By JAMES SMALL.



# APPENDIX TO The Calcutta Gazette.

Published by Authority.

SATURDAY, FEBRUARY 21, 1852.

বঙ্গ ও এতদেশীয় অপর ভাষাতে নামাক্রিত যে সকল চিঠির মালিকানের ঠিকানা নাহওয়াপ্রযুক্ত  
পূর্ণীয়া পোষ্ট অফিসে ১৮৫০ সালের আনুয়ারি মাসে তিসেদ্বয় মাহাতে যে সকল চিঠী  
রাখিত হইয়াছে তাহার কৰ্দ।

চিঠির সংখ্যা	চিঠির মালিকানের নাম	মালিকানের ঠিকানা	কৈফিয়ৎ
১১৪২	রামকবির সিংহ	পূর্ণীয়া	
১১৪৩	মুজা মহম্মদ	এ	
১১৪৪	মাধোপ্রসাদ	এ	
১১৪৫	রোবিনাল	এ	
১১৪৬	কৈলাচন্দ্র	এ	
১১৪৭	আকশাহদ্দীন	এ	
১১৪৮	ডাক মণ্ডল	এ	
১১৪৯	নবক ভাট	এ	
১১৫০	হাজি করিমুল্লা	এ	
১১৫১	মোতি চৌধুরী	এ	
১১৫২	গণা দাস	এ	
১১৫৩	ভুবনলাল	এ	
১১৫৪	ভৈরব সিংহ	এ	
১১৫৫	রামদয়াল	এ	
১১৫৬	গোলামহম্মদ	এ	
১১৫৭	মহাদেবপ্রসাদ	এ	
১১৫৮	প্রেম সিংহ	এ	
১১৫৯	এনায়েৎ রায়	এ	
১১৬০	কুরবানবেগ	এ	
১১৬১	দেবনারায়ণ রায়	এ	
১১৬২	চম্পন সিংহ	এ	
১১৬৩	তারিনীচরণ	এ	
১১৬৪	আমিরআলি	এ	
১১৬৫	কোরবানআলি	এ	
১১৬৬	বসারৎআলি	এ	
১১৬৭	মন্মু ভকত	এ	
১১৬৮	গোলামআলি	এ	
১১৬৯	আনরুআলি	এ	



চিঠির সংখ্যা	চিঠির মালিকানের নাম	মালিকানের ঠিকানা	টেকিয়ে
১১৭০	নন্দরাম	পূর্ণীয়া	১১/১০
১১৭১	কাণ্ড শেট	এ	১১/১১
১১৭২	পদ্মনোভর	এ	১১/১২
১১৭৩	গজারাম	এ	১১/১৩
১১৭৪	গণেশ সিংহ	এ	১১/১৪
১১৭৫	আবদুল খলিকা	এ	১১/১৫
১১৭৬	শির	এ	১১/১৬
১১৭৭	প্রাণচন্দ্র	এ	১১/১৭
১১৭৮	প্রাণ ভকত	এ	১১/১৮
১১৭৯	মেণ্ড মার্টিন	এ	১১/১৯
১১৮০	লুতুখালি	দানাপুর	১১/২০
১১৮১	মণীলাল	জিয়াগঞ্জ	১১/২১
১১৮২	ইশ্বরচন্দ্র	পূর্ণীয়া	১১/২২
১১৮৩	হেমনি খানখামা	এ	১১/২৩
১১৮৪	রাধাকৃষ্ণ মুখোপাধ্যায়	এ	১১/২৪
১১৮৫	হরিপ্রসাদ	এ	১১/২৫
১১৮৬	আলিআহম্মদ	এ	১১/২৬
১১৮৭	ভৈরব মিশর	এ	১১/২৭
১১৮৮	অজুয়ারাম রায়	এ	১১/২৮
১১৮৯	তোদ্রাবুয়া	এ	১১/২৯
১১৯০	রামকবির সিংহ	এ	১১/৩০
১১৯১	ঠাকুরপ্রসাদ	এ	১১/৩১
১১৯২	ধোকাই	এ	১১/৩২
১১৯৩	করিম খাঁ	এ	১১/৩৩
১১৯৪	রামপ্রসাদ	এ	১১/৩৪
১১৯৫	রামভর খাঁ	এ	১১/৩৫
১১৯৬	এনারংহোশেন	এ	১১/৩৬
১১৯৭	ঠাকুরপ্রসাদ	এ	১১/৩৭
১১৯৮	গোলামআলি	এ	১১/৩৮
১১৯৯	রামপ্রসাদ	এ	১১/৩৯
১২০০	ভাগবতচরণ	এ	১১/৪০
১২০১	রামনাথ	চারি	১১/৪১
১২০২	দেবীদীন	দানাপুর	১১/৪২
১২০৩	রামটেল	পূর্ণীয়া	১১/৪৩
১২০৪	রঘুনাথ পাহার	এ	১১/৪৪
১২০৫	রামটেল	এ	১১/৪৫
১২০৬	কৌদারাম	এ	১১/৪৬
১২০৭	মোনসেক	বাহাদুরগঞ্জ	১১/৪৭
১২০৮	ঠাকুরপ্রসাদ	পূর্ণীয়া	১১/৪৮
১২০৯	সদরআলি	এ	১১/৪৯
১২১০	গোলামআলি	এ	১১/৫০
১২১১	মৌলবী আহম্মদ	এ	১১/৫১
১২১২	চোত মণ্ডল	এ	১১/৫২
১২১৩	মোকির	এ	১১/৫৩



চিঠির সংখ্যা	চিঠির মালিকানের নাম	মালিকানের ঠিকানা	টেক্ষিৎ
১২১৪	আগনুখীন	পূর্ণীয়া	
১২১৫	রহিম	এ	
১২১৬	শশীভূষণ সেন	এ	
১২১৭	রামচন্দ্র	পারনা	
১২১৮	গোলাম রহমান	পূর্ণীয়া	
১২১৯	আমির খাঁ	এ	
১২২০	বক্সী	এ	
১২২১	মিনুরাম	এ	
১২২২	হিরন খানশামা	এ	
১২২৩	আহুতানন্দ	এ	
১২২৪	সৈয়দ মহম্মদ এহিয়া	এ	
১২২৫	মহম্মদ শকী	এ	
১২২৬	আহম্মদউল্লা	এ	
১২২৭	কামীর সিংহ	এ	
১২২৮	সেখ মিরন	এ	
১২২৯	হোসেনবক্স	জিয়াগঞ্জ	
১২৩০	জগলাল	পাটনা	
১২৩১	সেখ নাচীরাম	পূর্ণীয়া	
১২৩২	গুপ্তিটেগেট	এ	
১২৩৩	আবদুরআলি	এ	
১২৩৪	শিব শর্মা	নাথপুর	
১২৩৫	কাদেরবক্স	পূর্ণীয়া	
১২৩৬	কানাইলাল	এ	
১২৩৭	আমীরবক্স	এ	
১২৩৮	দিনদয়াল সিংহ	এ	
১২৩৯	হরেকচন্দ্র	এ	
১২৪০	টেকমলাল	এ	
১২৪১	মিয়া চন্দ্র	এ	
১২৪২	টেনবলাল	এ	
১২৪৩	হনুমান সিংহ	ছাপরা	
১২৪৪	রামমুন্দর	পূর্ণীয়া	
১২৪৫	রামকবির সিংহ	এ	
১২৪৬	দেবিচরণ সরকার	এ	
১২৪৭	উগার সরকার	এ	
১২৪৮	ঠাকুরপ্রসাদ	এ	
১২৪৯	শিতারাম	পাটনা	
১২৫০	সোবরাতি	দিনাজপুর	
১২৫১	নেহার খানশামা	এ	
১২৫২	হিরালাল	এ	
১২৫৩	বংশী বাবু	এ	
১২৫৪	মহম্মদআলি খাঁ	কোশনগঞ্জ	
১২৫৫	ক্রামআলি	এ	
১২৫৬	ঠাকুরপ্রসাদ	পূর্ণীয়া	
১২৫৭	অহর মোকার	এ	

চিঠির নং	চিঠির মালিকানের নাম	মালিকানের ঠিকানা	টিকিট
১২৫৮	মশহুরক	পূর্ণীয়া	
১২৫৯	দিননাথ	এ	
১২৬০	মধু ঞান	বহরমপুর	
১২৬১	রামস্বরন লাল	ভাগলপুর	
১২৬২	মুজা এবরাহেম মেন	পূর্ণীয়া	
১২৬৩	ঠাকুরপ্রসাদ	এ	
১২৬৪	মুজাজান	এ	
১২৬৫	দিমুরাম	এ	
১২৬৬	হাকীম নেজামুদ্দীন	এ	
১২৬৭	সেখ রাক্ষা	বানারস	
১২৬৮	গুরুপ্রসাদ	পূর্ণীয়া	
১২৬৯	রসীদ মহম্মদ	বোয়ালিয়া	
১২৭০	জহর	পূর্ণীয়া	
১২৭১	জগন্নাথ	এ	
১২৭২	বেনী সিংহ	এ	
১২৭৩	ঠাকুরদয়াল	এ	
১২৭৪	মৌলবী নকুর	এ	
১২৭৫	উজিরআলি	এ	
১২৭৬	আদানুদ্দীন	এ	
১২৭৭	এমদাদ আগম	এ	
১২৭৮	মুনশী মোনিউল্লা	এ	
১২৭৯	গোপাললাল	এ	
১২৮০	রুমী ঞা	এ	
১২৮১	আকবরআলি	এ	
১২৮২	ঠাকুরপ্রসাদ	এ	
১২৮৩	রামচন্দ্র	এ	
১২৮৪	দেবিদিন	এ	
১২৮৫	রামতনু মহম্মদার	এ	
১২৮৬	বুধন সিংহ	দিনাজপুর	
১২৮৭	কেশব সিংহ	পূর্ণীয়া	
১২৮৮	ইলাউল্লা	এ	
১২৮৯	মুর মহম্মদ	এ	
১২৯০	আকবরআলি	এ	
১২৯১	কেশরি সিংহ	এ	
১২৯২	দলৌব সিংহ	এ	

(To be Continued.)

[ইহার অবশিষ্ট আগামীতে প্রকাশ হইবেক।]

CALCUTTA,  
General Post Office,  
22nd September, 1851.

J. R. BURLTON BENNETT,  
Deputy Post Master General, in Charge.



# The Calcutta Gazette.

Published by Authority.

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WEDNESDAY, FEBRUARY 25, 1852.

No. 170.

*Fort William, Home Department, Legislative,  
The 24th February, 1852.*

Act X. of 1852, is republished with a clerical error corrected, Act XX. of 1840 having been mentioned in Section I. thereof; instead of Act XXIV. of 1840.

FRED. JAS. HALLIDAY,  
*Secy. to the Govt. of India.*

ACT No. X. of 1852.

*For Constituting Commissioners for the Improvement of the Town of Calcutta.*

Whereas Act XVI. of 1847 for constituting Commissioners for the Improvement of the Town of Calcutta, has been found inconvenient and ineffectual for the intended purposes thereof, It is enacted as follows:

I. Act XVI. of 1847 is repealed, except as to anything done, or forborne to be done, under the said Act before the passing of this Act, but not so as to revive Act XXIV. of 1840. Provided always, that the taxes leviable under Act XVI. of 1847, on the owners or users of Carriages, Carts, and Horses, may still be assessed and imposed on such owners or users for the last Quarter or part of a Quarter previous to the passing of this Act; and all taxes and arrears of taxes, assessed and imposed on the owners or users of Carriages, Carts, and Horses under Act XVI. of 1847, and not collected at the time this Act comes into operation, may be levied and recovered as if the said Act XVI. of 1847 were not repealed.

II. The scheme of election agreed upon by the owners and occupiers of assessed houses, buildings, and lands in each division of the Town, and the rules made by the Commissioners, severally approved by the Deputy Governor of the Presidency of Fort William in Bengal and President of the Council of India in Council, in pursuance of the said Act, are rescinded and annulled. Provided always, that all taxes and arrears of taxes assessed and imposed on the owners or users of Carriages, Carts, and Horses under Act XVI. of 1847 and Section I. of this Act, and not collected at the time this Act comes into operation, may be levied and recovered as if the said Rules were not repealed.

III. For the purposes of this Act the Town of Calcutta shall be divided into two divisions, that is to say, a Northern and Southern Division, by a line passing from the river Hooghly at the old Fort Ghaut along the centre of Fairlie Place, Clive Street, the street on the Northern side of Tank Square, Loll Bazaar, Bow Bazaar, and Boitacannah; or such other two divisions as the Governor of the Presidency of Fort William in Bengal, from time to time, may appoint: and, whenever any such new division shall be made, the provisions of this Act, with respect to the divisions herein defined, shall be deemed to apply thenceforth to such new divisions.

IV. There shall be four Commissioners for executing the powers of this Act, who shall be styled the Commissioners for the Improvement of the Town of Calcutta, of whom two shall be appointed by the Governor of the Presidency of Fort William in Bengal, and two shall be elected as hereinafter provided, that is to say, one for each division of the said Town.

V. The Commissioners shall enter upon their office on the First day of January in each year, and shall hold their office regularly for one year, or until their successors are duly constituted; and until the first constitution of Commissioners under this Act, the Commissioners now acting in the execution of the said Act XVI. of 1847, shall exercise the powers of this Act, and shall be deemed Commissioners under this Act.

VI. Every person is entitled to one vote in the election of a Commissioner under this Act who is the owner of a house, building, or ground in either division of the said Town, and is assessed at not less than ten rupees' tax in the whole for a quarter of a year, in respect of such house, building, or ground, and who, on or before the 20th day of November in each year, has paid all such taxes due from him up to the last day of July, in the same year.

VII. Every person is entitled to one vote in the election of a Commissioner under this Act who is the occupier of any house, building, or ground in either division of the said Town, and who pays a monthly rent of not less than rupees seventy in respect of such house, building, or ground.

VIII. Each voter is entitled to vote in that division only in which he is assessed to the amount which constitutes his qualification: but



any person who is assessed or pays rent to the qualifying amount in each division, may be entitled to vote in both. No person shall be entitled to two votes in any one division by reason of his being both an owner and occupier to the qualifying amounts respectively in such division.

IX. All elections under this Act shall be under the management of the Sheriff of Calcutta, who shall appoint a sufficient number of Deputies to help him in presiding thereat : and every Deputy, while so acting for the Sheriff, shall have the same powers and duties as the Sheriff with respect to the division for which he is acting.

X. The elective Commissioners shall be chosen yearly, on a day between the First and Twentieth days of December, to be appointed in each year by the Sheriff of Calcutta, of which day, and also of the place of election, the Sheriff shall give notice, by advertisement in the *Calcutta Gazette*, Fifteen days at least before the day of election.

XI. The place of election for each division of the Town shall be the Town Hall of Calcutta, or such other place as the Sheriff, with the sanction of the Governor of the Presidency of Fort William in Bengal, shall, from time to time, appoint.

XII. The voting shall begin at eight of the clock in the morning, and end at five of the clock in the afternoon of the appointed day.

XIII. Every person qualified to vote in the election, and none other, is qualified to be a candidate for election as a Commissioner.

XIV. Every candidate shall, ten days at least before the day of election, give notice thereof in writing to the Sheriff, naming the division for which he is a candidate, and shall at the same time produce to, and leave with, the Sheriff a certificate from the Secretary to the Commissioners that he is qualified to be a candidate, which certificate the Secretary shall be bound to give without fee or charge, on personal application, to any person duly qualified.

XV. All expenses of the election of Commissioners, including the expense of advertising the time and place of election, shall be defrayed by the candidates ; and every candidate shall, at the time when he produces to the Sheriff his certificate of qualification, deposit with the Sheriff the sum of two hundred rupees toward the expenses of the election, and in default thereof shall not be qualified to be elected.

XVI. If the whole amount so deposited shall not be spent by the Sheriff in such election, the residue shall be returned to the candidates in equal proportions ; and if the whole amount so deposited is not enough to defray the expense of such election, the Sheriff shall be entitled to receive from each candidate his proportionate share of the surplus expense, and in default of payment may sue for and recover the same, as money spent on behalf of such candidate.

XVII. The Commissioner shall cause to be prepared, in each year, correct alphabetical lists of the owners qualified to vote in each division of the Town, and also an alphabetical list of the occupiers qualified to vote in each of the said divisions, who shall, on or before the First day of November in each year, apply to the Commissioners to have their names entered in such lists, and the said lists shall be open for inspection at the office of the said Commissioners, on or before the First day of December in each year, during all reasonable hours of the day, until the day of election, when the said lists, or copies thereof,

shall be taken to the place of election for the use of the Sheriff and his Deputies.

XVIII. The Secretary to the Commissioners, on the written application of any person qualified to vote as aforesaid, signed by himself, specifying the division, street and number, or other description of every house, or building, or the land in respect of which the claim is made, and delivered to the Secretary on some day between the 1st and 30th day of November, both inclusive,—with, where the applicant is an owner, the receipted assessment bills, shewing that the applicant has paid the taxes required by this Act to qualify him to vote, or with, where the applicant is an occupier, the receipted rent bills, shewing that such occupier has paid the rent required by this Act to qualify him to vote,—shall give to such person a voting ticket, according to his qualification. The voting tickets shall be numbered and signed by the Secretary to the Commissioners, and shall be in one of the forms contained in the first Schedule annexed to this Act, or in such other form as shall be, from time to time, adopted by the Commissioners, with the approval of the Governor of the Presidency of Fort William in Bengal : the Secretary to the Commissioners shall keep a Register of such voting tickets, which shall specify the number of each voting ticket, the name of the voter, and the premises in respect of which such voting ticket is given, and the said Secretary, on the day of election, shall take the said Register to the place of election, for the use of the Sheriff and his Deputies.

XIX. The voting ticket shall be conclusive evidence that the person named therein is entitled to vote at the next election of a Commissioner in the division for which the ticket is given, according to the tenor thereof.

XX. At the time and place appointed for the election, the Sheriff or his Deputies shall attend with two closed boxes, with openings in each box for the reception of voting tickets, and distinguished from each other, by having marked or painted legibly, in English and Bengallee characters, the word "Northern" on one box, and the word "Southern" on the other.

XXI. Every voter, having obtained his voting ticket in each division in which he is qualified to vote, and having written thereon the name of the candidate for whom he wishes to vote, and having signed the same, shall personally attend at the place of election, and shall deliver his voting ticket to the Sheriff, or one of his Deputies presiding at the election for that division, who, on being satisfied of the identity of the person tendering the voting ticket with the person whose signature it bears, shall deposit such voting ticket in the box of the division.

XXII. The Secretary, Assessors, Collectors, and Collecting Sircars of the Commissioners, and, if required by any candidate, an agent appointed by writing under his hand on his behalf, shall attend at the place of election during the continuance thereof, for the purpose of assisting in identifying the persons who shall tender voting tickets.

XXIII. The decision of the Sheriff, or his Deputy, admitting or rejecting any disputed vote tendered at any election, shall be conclusive as to the reception of the vote.

XXIV. At the close of the poll for any division, the Sheriff or his Deputies, in the presence of the candidates, or such of them as choose to be present, or of scrutineers appointed in writing

under their several hands, shall ascertain the number of votes given for each candidate in each division; and the Sheriff shall thereupon publicly declare the name of the candidate in each division for whom the greatest number of votes has been given in such division, and shall declare such candidate to be duly elected a Commissioner for the Improvement of the Town of Calcutta.

XXV. If two or more candidates at the head of the poll in any one division of the Town shall have the same number of votes, the Governor of the Presidency of Fort William in Bengal shall appoint one of the candidates, having such equal number of votes, to be one of the elected Commissioners for the Improvement of the Town of Calcutta.

XXVI. The result of every election shall be certified by the Sheriff to the Governor of the Presidency of Fort William in Bengal, who will cause notice thereof to be given in the *Calcutta Gazette*.

XXVII. If any vacancy, from any cause whatever, happens before the month of December in any year among the Commissioners, the Governor of the Presidency of Fort William in Bengal shall appoint a person qualified to be elected to fill such vacancy, and the Commissioner appointed to fill such vacancy shall be a Commissioner as if he had been elected at the then last general election of Commissioners.

XXVIII. The 158th Section of the Act of Parliament passed in the 33rd year of the reign of King George the Third, and numbered Chapter 52, is hereby repealed, and the powers and duties which by the said Act were conferred and imposed on the Justices of the Peace within or for the Presidency of Fort William in Bengal, in regard to the collection, levying, and disbursement of the taxes thereby authorized to be assessed by them on the owners or occupiers of houses, buildings, and grounds, shall be exercised and performed by the said Commissioners, instead of the said Justices of the Peace; and the powers and duties by Act XXII. of 1847, or any other Act, conferred on or belonging to the Commissioners constituted under the said Act XVI. of 1847, and their Officers, shall be transferred to, and belong to the Commissioners constituted under this Act and their Officers respectively.

XXIX. The Justices of the Peace within and for the said Town of Calcutta shall make a quarterly assessment at the rate of six and one quarter per cent., or one anna in the Rupee, on the owners of houses, buildings, and grounds within the said Town, according to the gross monthly rental thereof, or on the gross monthly rental at which the same might, in the estimation of the said Justices, reasonably be expected to let.

XXX. Of the two Commissioners yearly appointed by the Governor of the Presidency of Fort William in Bengal, one shall be President of the Commissioners. In the absence of the President, such other Commissioner shall act as Chairman of the meetings of the Commissioners as shall be chosen by those present. On all questions on which the Commissioners present are equally divided in opinion, the President shall have a second or casting vote. No meeting of the Commissioners shall be held without twenty-four hours' notice being given to all the Commissioners, and two Commissioners shall be necessary to constitute a meeting.

XXXI. The Commissioners shall severally receive such monthly salaries, not exceeding two hundred and fifty rupees each, to be paid out of

the taxes levied under the said Act of Parliament and Act XVI. of 1847, and this Act, as the Governor of the Presidency of Fort William in Bengal, with the approval of the Governor General of India in Council, shall from time to time appoint.

XXXII. The Commissioners shall appoint a Secretary, subject to the approval of the Governor of the Presidency of Fort William in Bengal, and shall also appoint a sufficient number of Assessors, Collectors, Surveyors, Inspectors, Appraisers, Bailiffs, and such other Officers as they may deem necessary for assessing, collecting, or levying the taxes imposed on the owners or occupiers of houses, buildings, and grounds under the authority of the said Act of Parliament, and of this Act, and also the taxes and penalties herein mentioned, and may appoint the same persons to act both as Assessors and Collectors, and may prescribe such rules, and take such security for the due execution of the duties of such Secretary and Officers as they may deem expedient; and the Secretary and Officers of the Commissioners shall receive such salaries, to be paid out of the said taxes, as the Commissioners from time to time may appoint, subject to the approval of the said Governor. The Secretary and every other Officer shall be removable at the pleasure of the Commissioners, subject, in the case of the Secretary, to the approval of the said Governor.

XXXIII. All rates and taxes assessed on the owners of houses, buildings, and grounds, and penalties imposed under the authority or color of the said Act of Parliament, and Act XVI. of 1847, before this Act comes into operation, may be demanded, and if not duly paid, may be levied and recovered by the Commissioners acting under the authority of this Act, in the same manner, and by the same forms, or by forms to the like effect, as if they had been imposed under the authority of this Act.

XXXIV. The owners of houses, buildings, and grounds, within the said Town, shall pay such sums of money as shall be assessed upon them by the said Justices according to the said rate of six and a quarter per cent., or one anna in the rupee.

XXXV. Where there is land wholly or partly covered with houses or buildings, which do not belong, or which belong only in remainder or reversion, to the owner of the land, and rent is covenanted to be paid to the owner of the land, wholly or partly irrespective of the value of the said houses or buildings, the said Justices may assess the owner of the land separately, in respect of the land, and the owners of the houses and buildings, according to their value, after deduction of the value of the land, in respect whereof the owner thereof is separately assessed.

XXXVI. The said Justices, in their discretion, may omit from their valuation and assessment any tenement of very small value, unless where there are many such belonging to the same owner, which can be conveniently valued and assessed together.

XXXVII. Where any house, building, or ground, within the said Town, has been vacant for sixty consecutive days in any quarter of a year, the rates for that quarter shall be remitted, provided that the owner of such house, building, or land, shall have given notice in writing of the vacancy thereof, to the Secretary of the Commissioners, within seven days next after the day on which it becomes vacant;



and if such notice of vacancy be not given within the said seven days, the said rates shall be remitted from the day on which the notice may be delivered to the Secretary.

XXXVIII. The first assessment to be made under this Act shall be made on or after the Twelfth day of February 1852, for the months of February, March, and April 1852, and when made, shall be taken to supersede and annul any previous assessment made by the Justices for the same period or any portion thereof; and every following assessment shall in like manner be made prospectively at the commencement of the quarter of a year in which it is made.

XXXIX. The assessment of the taxes specified in this Act shall be made by the said Justices or any of them, but shall in every case require to be confirmed at a subsequent meeting of the said Justices, and the said Justices shall cause such assessment, when made and confirmed, to be entered in books to be kept in their office, and the entries for such assessments in the said books, authenticated by the signatures of the Justices, or any two of them, shall be conclusive evidence of the several assessments therein specified.

XL. The Justices shall give at least fourteen days' notice, by advertisement in the *Calcutta Gazette*, of the day and hour when they will meet in their Office, for the purpose of revising and confirming the said assessment; and every person who deems himself aggrieved in any respect by the said assessment, and is desirous of appealing against the same, must attend such meeting; and the Justices may adjourn such meeting, if necessary, from day to day; and, after hearing and determining all objections to the assessment, may make such amendments therein as to them may appear just, and finally confirm the same as so amended.

XLI. The books containing the proposed assessment shall be in the Office of the Justices during the said period of fourteen days, or more, open at all reasonable times to the inspection of all persons assessed therein.

XLII. The taxes specified in this Act shall be due and payable from and after the end of the quarter of a year, or other period for which they are imposed.

XLIII. When the taxes specified in this Act shall be due and payable, or as soon after as convenient, the said Commissioners shall send, or cause to be sent, to the persons severally liable to pay any of such taxes, a statement or bill in the form (A.) contained in the second Schedule annexed to this Act, or to the like effect, of the sums due from such persons respectively in respect of the said taxes.

XLIV. When any person shall be in arrear of the payment of the said taxes specified in this Act, the said Commissioners, or any one of them, or their Officer duly authorized by them, may issue or cause to be issued and served upon such person, a Notice of Demand in the form (B.) contained in the second Schedule annexed to this Act, or to the like effect; and if he shall not, within five days from the service of such Notice of Demand, pay the arrear due from him, according to the tenor of such Notice of Demand, the said Commissioners, or any one of them, or their Officer duly authorized by them, may issue and serve, or cause to be issued and served upon such person a summons to pay in the form (C.) contained in the second Schedule annexed to this Act, or to the like effect, requiring such person

to appear before the said Commissioners, or any one or more of them, on a day and at an hour and place to be named in such summons.

XLV. On the appearance of the party summoned, the said Commissioners, or any one or more of them, may make such further inquiry into the case as to them or him seems just, and may make such order for the payment of the whole or any part of the demand as to them or him seems just; and in case of the non-appearance of the party summoned, the said Commissioners, or any one or more of them, on proof of service of the said summons, and on making such further inquiry into the case as to them or him seems just, may decide the claim, in like manner as if the said party were present, and may make such order for the payment of the demand, together with such costs as to them or him may seem reasonable.

XLVI. In order that the Justices and Commissioners may be better informed of the value of any house, building, or ground, or in any other matter relating to their duty under this Act, and the execution thereof, the Justices, or Commissioners, or any one of them, or their Officer duly authorized by them, may issue a summons, in the form (D.) contained in the second Schedule annexed to this Act, to any person whom they are desirous of examining for that purpose; and any one or more of the said Justices or Commissioners may examine such person so summoned concerning the value of such house, building, or ground, or other matter relating to the assessment; and such examination shall be taken down in writing, in such manner as the Justices or Commissioners may order: and in case the answers of such person so examined shall appear to the said Justices or Commissioners to be evasive or untrue; or in case the party summoned shall refuse to answer any lawful question of the said Justices or Commissioners, or any one of them, or shall be proved to have refused to receive, or to have wilfully destroyed, defaced, or unlawfully detained any Bill, Summons, or Notice of Demand served upon him, with intent to evade being lawfully rated to the full amount of any of the said taxes due from him, or with intent to avoid or delay payment thereof; or shall be proved knowingly, or through gross negligence, to have given any false information, either verbally or in writing, to the said Justices or Commissioners, or any of them, or any of their Assessors or Officers, whereby they or any Assessor or person employed by them shall be misled in making any assessment; or in case the party summoned shall refuse, or without lawful excuse neglect to appear before the said Justices or Commissioners, in pursuance of such summons; such person shall, for any of the abovementioned offences, be liable to such penalty, not exceeding one hundred rupees, as shall be set on him by the said Justices or Commissioners, or any one of them, and such penalty shall be recovered under a warrant to be issued for that purpose by the said Justices or Commissioners, or any one of them, by distress and sale of any goods and chattels within the Town belonging to the person liable to pay or make good the said penalty; and every such warrant of distress may be in the form (G.) contained in the second Schedule annexed to this Act, or to the like effect.

XLVII. All arrears of taxes and penalties due under the said Statute 33 George III., Act XVI. of 1847, and this Act, and the costs and charges of recovering the same, may be recovered at any



time after the day on which the person liable to pay such arrears has been summoned to appear before the Commissioners, or any one or more of them, as provided by Section XLIV. of this Act, under a warrant to be issued for that purpose, under the hand and seal of one of the said Commissioners, by distress and sale of any goods and chattels within the Town of Calcutta, belonging to the person liable to make good or pay the same, or being at any time within the house or building, or upon the ground in respect of which any such assessment is made; and every such Warrant of Distress may be in the form (F.) contained in the second Schedule annexed to this Act, or to the like effect.

XLVIII. The bailiff shall make an inventory of all goods and chattels seized under any warrant, and shall give a notice in writing in the form (F.) contained in the second Schedule annexed to this Act, or to the like effect, to the person in possession thereof at the time of seizure, that the said goods and chattels will be appraised and sold in manner therein mentioned.

XLIX. If the warrant is not in the mean time discharged or suspended by one or more of the said Commissioners, the goods and chattels seized shall be appraised and sold, and the proceeds thereof shall be applied in discharge of the arrears, or penalty, and costs; and the surplus, if any, shall be returned, on demand, to the person in possession of the goods and chattels at the time of the seizure; and the fees upon every such proceeding shall be such as are mentioned and set forth in the third Schedule annexed to this Act.

L. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of the rates, taxes, or penalties under the said Statute 33 Geo. III., Act XVI. of 1847, or this Act, the Commissioners, or any one or more of them, if they think fit, may authorize any Collector or other person to sue the person liable to pay such rates, taxes, or penalties, for any arrears of such rates, taxes or penalties, in the Calcutta Court of Small Causes; and all such suits may be prosecuted by such Collector or other person in the name of the Commissioners; and the costs, if any, incurred in any such suit, which are not recovered in the suit, may be defrayed out of the taxes levied under this Act.

LI. When any Bill, Notice of Demand, Summons, or other proceeding of any kind whatsoever with respect to any taxes under the said Statute, Act XVI. of 1847, or this Act, is to be issued to the owner of any premises, if his name be not certainly known, it shall be sufficient to address such proceeding to him by the description of the "Owner" of the premises (naming or describing them) in respect of which such proceeding is issued, without further name or description of such owner, and such proceeding may be duly served as hereinafter mentioned; and every Bill, Notice, Summons, or Notice of Demand, may be served personally upon the person to whom the same is addressed, or left with his door-keeper, or some inmate of his place of abode; and when any person shall, by keeping his place of abode or business closed, or by absconding, or by violence or threats, prevent any Officer or Servant of the said Commissioners from serving any Bill, Notice, Summons, or Notice of Demand, as herein directed, such Bill, Notice, Schedule, Summons, or Notice of Demand, shall be duly served, by fixing the same conspicuously on some part of the outer wall, gate, or door of the house or place of business, or of the enclosure in which it stands; in case the place of

abode of the owner be not within the limits of the said Town, it shall be sufficient for the Commissioners to transmit any Bill, Notice, Summons, or Notice of Demand, directed to him by name, through the Post, or to serve the same upon the occupier of the premises assessed, or upon the agent (if any) of such owner.

LII. No distress levied under the authority of this Act shall be unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the Notice, Bill, Summons, Notice of Demand, Warrant of Distress, Inventory, or other proceeding relating thereto, nor shall he be a trespasser from the beginning on account of any irregularity afterwards committed by him.

LIII. The said Commissioners shall, from time to time, subject to the approval of the Governor of the Presidency of Fort William in Bengal, make Rules for regulating their proceedings under this Act, and for the regulation of the time and manner of demanding and collecting the taxes specified in this Act, and for altering any of the forms set forth in the Schedules hereunto annexed, and the said Justices shall, from time to time, subject to the like approval, make Rules for regulating their proceedings under this Act, and for the regulation of the time and manner of assessing the rates specified in this Act.

LIV. The goods and chattels of the owner of any house, building, or ground rated under the said Statute 33 George III., Chapter LII. Section CLVIII., Act XVI. of 1847, or this Act, shall be liable to be distrained anywhere (except goods and chattels concealed as hereinafter mentioned), for deficiency in the payment of rates; and it shall not be necessary in any assessment, rate or tax, or Warrant of Distress under the said Statute, Act XVI. of 1847, or this Act, to specify the names of the owners of houses, buildings, or grounds; but it shall be sufficient if the house, building, or ground, in respect of which the tax is assessed, be identified, and in the case of houses numbered in any street, that the name of the street and the number of the house be specified.

LV. All goods and chattels, which shall be found upon any premises rated, shall be liable to be distrained for any arrears of rates or taxes assessed in respect thereof; and if the said goods and chattels belong to the occupier of such premises, such occupier may deduct the amount of the levy made upon his goods and chattels, or of any payment made by him in order to prevent such levy, from the following payments of his rent. If they belong to any person other than the occupier of the premises, or if no further rent is payable by such occupier, he may in such case recover the amount so paid or levied, by suit in the Calcutta Court of Small Causes, from the owner of the premises, as for money paid on his behalf.

LVI. Every person shall be entitled to have from the Secretary to the Commissioners, on application at their Office, and on payment of a fee of four annas, a certificate, specifying the last quarter in respect of which the taxes on account of any house, building, or ground are paid.

LVII. When there is reason to believe that goods and chattels, liable to distress under the said Statute, Act XVI. of 1847, or this Act, are concealed in any zenana, the Officer charged with the execution of the warrant shall make a special report to the Commissioner granting the same, who shall thereupon follow, as closely as may be, the

rules for the seizure of goods and chattels in like cases adopted by Her Majesty's Supreme Court of Judicature.

**LVIII.** Every person who wilfully obstructs or molests the said Commissioners, or any one of them, or their Secretary, or any of their Officers or Servants in the performance of their respective duties under the said Act of Parliament, Act XVI. of 1847, or this Act, shall be liable, on summary conviction before a Justice of the Peace, on his own confession, or the oath of one or more witnesses, to forfeit and pay a penalty not exceeding fifty rupees.

**LIX.** The Commissioners or any one of them may sue and be sued at Law and Equity in the name of their Secretary for the time being, and no action or suit to be brought or commenced by or against such Secretary, in manner aforesaid, shall abate or be discontinued by the death, resignation or removal of such Secretary; and no execution shall issue or be had in any such action or suit against such Secretary until six months' notice shall have elapsed after final judgment in such action or suit shall have been obtained, and every such Secretary, in whose name or by or against whom any such action or suit shall be brought, commenced, or sued, shall be fully reimbursed and paid all such costs, charges, damages and expenses as by the event or in consequence of any action, suit, or proceeding he shall pay, sustain, or be put unto or become chargeable with or liable to by reason of his being plaintiff or defendant as aforesaid, or of his name being used as aforesaid, by and out of the funds under the control of the Commissioners: and if any person against whom the Commissioners shall have any claim or demand, take the benefit of, or become subject as an insolvent to the operation of any Act for the Relief of Insolvent Debtors, the Secretary of the Commissioners in all proceedings in the insolvency may represent the Commissioners, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such Secretary, and not of the Commissioners.

**LX.** The Secretary of the Commissioners being the plaintiff, prosecutor, or defendant, or otherwise acting in any action, suit, or proceeding as aforesaid, shall be competent to be a witness therein, in the same manner as he might have been if his name had not been made use of as the plaintiff, defendant, or otherwise in any such action, suit, or proceeding.

**LXI.** No writ or process shall be issued out against or served upon any Commissioner, or any Secretary, Surveyor, or other Officer, or person whomsoever acting under the direction of the Commissioners, for anything done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at his Office or place of abode, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and upon the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant; and every such action shall be brought or commenced within three calendar months next after the accrual of the cause of action, and not afterwards; and if any party shall have committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act, or by virtue

of any power or authority hereby given, and if before action brought in respect thereof, such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

**LXII.** No matter or thing done, or contract entered into by the Commissioners, or any one of them, or by any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners, shall, if the matter or thing were done, or the contract were entered into *bond fide*, for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such Commissioner, Secretary, Surveyor, or other Officer or person acting as last aforesaid, shall be borne and repaid out of the funds under the control of the Commissioners.

**LXIII.** In any such action as aforesaid the defendant may plead the general issue, and give this Act, and any special matter in evidence on the trial.

**LXIV.** If in any such action judgment be given for the defendant, or if the plaintiff be nonsuited or discontinue the said action, the defendant shall be entitled to his costs as between attorney and client, and shall have such remedy for recovery thereof as any defendant has for his costs in any other case by law.

**LXV.** The whole proceeds of the said taxes, after paying all salaries, establishments, and incidental expenses of the said Commissioners, shall, with such moneys as the Governor of the Presidency of Fort William in Bengal, with the sanction of the Governor General of India in Council, may direct to be paid to the said Commissioners, be applied by them to the following purposes, that is to say,—

- 1stly,—Cleansing, repairing, lighting and watering the roads and streets.
- 2ndly,—Constructing new drains and sewers, and cleansing and repairing or filling up and abolishing old drains and sewers.
- 3rdly,—Filling up stagnant pools of water, holes in the earth, and all receptacles for filth and rubbish, and removing obstructions in or on the roads and to the free circulation of air.
- 4thly,—Formation of tanks and aqueducts for the conveyance of water to all parts of the Town.
- 5thly,—Opening of streets and squares in crowded parts of the Town.
- 6thly,—Improving and embellishing the said Town generally.

**LXVI.** In construing this Act all words used in the singular number shall be held to include several persons and things, and words in the plural shall be held to include the singular number, and all words importing the masculine gender shall extend and be applied to females as well as males, unless there is something in the context inconsistent with such construction.

FIRST SCHEDULE.

Form 1.

Form of Voting Ticket.

No.

Division.	Name of Rate-payer.	Aggregate value of Houses, Buildings, or Grounds for which he is assessed.	Total Assessment.

Entitled to vote.

Secretary.

Reverse.

I, the undersigned, being the rate-payer within described, do hereby give my vote for as Commissioner for the ( ) Division.

Calcutta, 18 . }  
The

Signature.

Form 2.

No.

Division.	Street.	No. of House.	Name of Occupier.

Entitled to vote.

Secretary.

Reverse.

I, the undersigned, being the occupier within described, do hereby give my vote for as Commissioner for the ( ) Division.

Calcutta, 18 . }  
The

Signature.

SECOND SCHEDULE.

( A. )

House Tax Bill.

Division No.	Premises No. _____
	_____ Dr.
Street No.	To Assessment on the above-mentioned Premises for _____ Quarter.
	Rated at Rupees _____ per Month.
	Quarterly Assessment, Rs. _____
	Received Payment, _____
Remit.	_____
	Calcutta, 18 . Collector.

( B )

Notice of Demand.

Number Take Notice that I, on behalf of the Division Collector of Assessments, have demanded and demand from you the arrears of Street Taxes assessed upon you as owner of House the premises mentioned in the margin, for the ( ) quarter, viz., the months of 18 under the provisions of Act X. of 1852, amounting to Rupees , and that if the same be not paid into the Collector's Office within five days after this demand, you will be reported to the Commissioners, and will be liable to the expenses of any further proceedings.

For the Collector,

Collecting Sircar.

Calcutta,  
This day of }  
18 . }

( C )

Summons to Pay.

No.

To

Number You are hereby summoned to appear personally before the Commissioners for the Improvement of the Division Street Town of Calcutta, or such one or House more of them as shall be at their Quarter office at o'clock on the day of 18 , to answer to a complaint made against you by the Collector of Assessments for non-payment of the Taxes imposed on you as owner of the premises mentioned in the margin, under the Provisions of Act X. of 1852, for the ( ) quarter, that is to say,—the months of ( ) amounting to Rupees .

Commissioners' Office.

No.

Given under my hand }  
this day of }  
18 . }

A. B.

( D )

Summons to give Evidence.

To

Under the authority of Act X. of 1852, you are hereby summoned to appear personally before the Commissioners for the Improvement of the Town of Calcutta, or such one or more of them as shall be at their office at o'clock on the day of 18

(Here set out the cause of Summons.)

Commissioners' Office.

Given under my hand }  
this day of 18 . }

A. B.



( E )

*Distress Warrant.*

Town of } To  
Calcutta. } One of the Bailiffs for the Commissioners for the Improvement of the Town of Calcutta.

Number Whereas of in the  
No. of said Town is this day duly convicted  
Division before of the Commissioners  
Street for the Improvement of the Town of  
House Calcutta, for that the said

doth refuse or neglect to pay, and hath not yet paid, the taxes on houses, buildings, and lands mentioned in the margin, to which he is assessed under the Provisions of Act X. of 1852, for the ( ) Quarter, that is to say, for the months of ( )

amounting to the sum of Co.'s Rs. although the said sum has been demanded of him, and five days have lapsed since such demand; This is to command you to distrain the Goods and Chattels of the said

within the said Town, or any Goods and Chattels which you may find on the premises in respect of which the said taxes are due, to the amount of Co.'s Rs.

and such further sum as may be sufficient to defray the charges of making such distress; and if within five days next after such distress, the said sum of Co.'s Rs.

shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said Goods and Chattels; and having paid out of the money arising by such sale, the said sum of Co.'s Rs.

to the Collector of Assessment for the said Commissioners, and having deducted the necessary charges of taking, keeping, and selling the said distress, to return the overplus, if any, on demand, to the person whom you shall find in possession of the said Goods and Chattels.

Given under my  
hand and seal, this  
day of 18 . }

L. S.

One of the Commissioners  
for the Improvement of the  
Town of Calcutta.

( F )

*Inventory.*

Quarter An Inventory of the several Goods  
Number and Chattels distrained by me  
No. of Bailiff, No.

Division situated in  
Street for the sum of Company's Rupees  
House Annas Pies being  
Arrears of Assessment due up to the  
day of last, for Taxes  
under the Provisions of Act X. of 1852  
(or being the amount of a penalty imposed  
on by of the said  
Commissioners or Justices of the Peace  
as the case may be), with the costs and

charges for enforcing payment of the same.

To

Take Notice, that I have this day distrained the several Goods and Chattels specified in the Inventory for Taxes under the Provisions of Act X. of 1852 (or being the amount of the said penalty), and that unless you pay the said sum, with the charges of distraining, into the Office of the Collector of Assessment, within five days from the date hereof, the said Goods and Chattels will be sold according to law

Arrears, Rs. } Witness my hand, this  
Costs, " } day of 18  
Co.'s Rs. } Bailiff.

( G )

*Distress Warrant.*

Town of } To  
Calcutta. } One of the Bailiffs for the Commissioners for the Improvement of the Town of Calcutta.

Whereas A. B., of in the said Town is this day duly convicted before of the Commissioners for the Improvement of the Town of Calcutta, (or Justice of the Peace, as the case may be,) of the offence of (here state the offence) against the form of the Act X. of 1852 in that case made and provided, and was thereupon adjudged by

that he the said A. B. had forfeited the sum of Rs. (here state the amount) for the offence ( )

aforsaid. And whereas the said A. B., being required to pay the said sum of Rs. (here state the amount aforsaid), hath not paid the same, but therein has made default. These are to command you to distrain the Goods and Chattels of the said A. B., which may be found within the said Town to the amount of the said sum, and such further sum as may be sufficient to defray the charges of making such distress; and if within five days next after such distress, the said sum of Rs. (here state the amount), together with the reasonable charges for taking and keeping the said distress shall not be paid, to sell the said Goods and Chattels, and having paid out of the moneys arising by such sale the said sum of Rs. (here state the amount) to the Collector of Assessments for the said Commissioners, and having deducted the necessary charges of taking, keeping and selling the said distress, to return the overplus (if any) on demand, to the person whom you shall find in possession of the said Goods and Chattels.

Given under  
hand and seal, this  
day of 18 . }

L. S.

of the Commissioners for the  
Improvement of the Town of  
Calcutta. (or Justice of the  
Peace, as the case may be.)

THIRD SCHEDULE.

Table of Fees to be taken for Proceedings under this Act.

		Rs.	As.
For every Summons to pay, .....		1	0
<i>In Distraints.</i>			
Sum Distrained for.		Fee.	
		Rs.	As.
Under 5 Rupees, .....		1	4
5 and under 10 Rupees, .....		2	0
10 " 15 " .....		3	0
15 " 20 " .....		3	8
20 " 25 " .....		4	4
25 " 30 " .....		5	0
30 " 35 " .....		6	8
35 " 40 " .....		6	8
40 " 45 " .....		7	12
45 " 50 " .....		8	8
50 " 60 " .....		10	0
60 " 80 " .....		11	8
80 " 100 " .....		13	0
Above 100 " .....		15	0

The above charge includes all expenses except when peons are kept in charge of property distrained, in which case 4 Annas must be paid daily for each man.

FRED. JAS. HALLIDAY,  
Secy. to the Govt. of India.

Fort William, Home Department, Legislative,  
the 13th February, 1852.

The following Act, passed by the Governor General of India in Council on the 13th February 1852, is hereby promulgated for general information :

ACT No. XI. of 1852.

*An Act for the adjudication of Titles to certain Estates claimed to be wholly or partially Rent-free in the Presidency of Bombay.*

Whereas in the Territories of the Deccan, Kandeish, and Southern Mahratta Country, and in other Districts more recently annexed to the Bombay Presidency, claims against Government on account of Inams and other Estates wholly or partially exempt from payment of Land Revenue are excepted from the cognizance of the ordinary Civil Courts, and incapable of being justly disposed of under the Rules for the determination of Titles, and the Rules of Procedure contained in Chapters IX. and X. of Regulation XVII. of 1827 of the Bombay Code and their Supplements; and whereas it is desirable that the said claims should be tried and determined without further delay, It is declared and enacted as follows :

I. The Rules in Chapters IX. and X. of Regulation XVII. of 1827 and in Clause 1 of Regulation VI. of 1833 of the Bombay Code do not apply to any of the Districts of the Bombay Presidency, which were not brought under the General Regulations of Government by Regulation XXVIII. of 1827 of the Bombay Code; and no order hitherto passed regarding the continuance or resumption of lands in any of the said Districts held or claimed from Government as wholly or partially free of assessment, shall be liable to be questioned in any Court of Law, on the grounds of any interpretation or construction of the law, which may be inconsistent with the

declarations made and the Rules prescribed by this enactment.

II. The Governor of Bombay in Council may appoint in any Zillah or other division of the Territories subject to the Presidency of Bombay, which were not brought under the General Regulations of Government by the said Regulation XXVIII. of 1827, an Inam Commissioner with so many Assistants, and such subordinate Establishment, as may be necessary for the purposes hereinafter mentioned.

III. The duties of each Inam Commissioner and his Assistants shall be discharged according to the Rules in Schedule A. annexed to this Act.

IV. In the adjudication of claims to exempt lands or interests therein, the titles of claimants shall be determined by the Rules in Schedule B. annexed to this Act.

V. Each Inam Commissioner and his Assistants shall have the same authority to procure the attendance of witnesses, and to take evidence, as now is, or from time to time may be, by law vested in the ordinary Civil Courts; and so far as concerns the penalties for not giving evidence, for false testimony, for resistance of process, contempts and other like matters, connected with cases under cognizance by any one of the said Officers, his Office shall be held to be a Court of Civil Jurisdiction of the same authority as the superior Civil Court of the Zillah or District in which his Office from time to time shall be established. Provided that all complaints against, or appeals from the proceedings of the Inam Commissioner or any of his Assistants, in exercise of the authority conferred on them respectively by this Section, shall be made under the second Rule of Schedule A. annexed to this Act, and shall not be cognizable by any other authority or in any other manner than as therein specified.

VI. Bribery, extortion, and generally all acts of abuse, or misapplication of authority, or other misconduct, committed by any Officer belonging to the Establishment of the Inam Commission, or temporarily employed therein under the provisions of this enactment, shall be punishable as criminal offences with fine and ordinary imprisonment without labour for a period not exceeding five years, and the receipt of a present directly or indirectly, by any such Officer from any person against whom or in whose behalf he may be officially employed, shall be considered extortion. And no penalty or punishment adjudicated under this Clause shall preclude any other Civil prosecution to which the offender may be liable.

VII. No decision or order of the Inam Commissioner, or of any of his Assistants, or of the Governor in Council under the provisions of this enactment, so long as the same shall be in force under such provisions, shall be questioned or avoided in any Court of Law; and no Commissioner or Assistant Commissioner, or other person acting under the provisions of this Act shall be liable to be sued in any Civil Court for any act *bond fide* done or ordered to be done by him in pursuance of the said provisions.

SCHEDULE A.

*Rules for defining the Duties of each Inam Commissioner and his Assistants.*

1. The duty of the Inam Commissioner and his Assistants shall be to investigate, in the manner prescribed by this enactment, the titles of persons holding or claiming against Government

the possession or enjoyment of Inams, or Jagheers, or any interest therein, or claiming exemption from the payment of Land Revenue, and generally to act according to the instructions of Government in all matters not specifically provided for in this enactment.

2. All orders of the Assistant Commissioners shall be appealable to the Inam Commissioner, who shall also have the authority of revising and of modifying, reversing or annulling, if necessary, their orders and proceedings, and the orders and proceedings of the Inam Commissioner shall be in like manner appealable to, and subject to modification, reversal or annulment by the Governor of Bombay in Council, whose orders shall in every case be final.

3. The Inam Commissioner or his Assistant shall receive from the persons holding or claiming to hold lands or any interest therein exempt from the payment of Revenue, statements explaining the nature of the title by which the lands or interests are so held, and shall take and record the evidence offered in support of such statements.

4. These statements may be received, either directly by the Officers of the Inam Commission, or through the medium of the Revenue Authority of the Talooka in which the land or interest so held or claimed as exempt is situated, or in which the alleged proprietor resides, without any previous procedure, except a general invitation to such landholders of a District who shall hold or claim to hold lands exempt as aforesaid to state the nature of their titles.

5. But when such general invitation is not sufficiently attended to, a notice may be issued to any party holding or claiming to hold any lands or any interest therein wholly or partially exempt as aforesaid, requiring him personally, or by his Agent, to shew his title. The notice issued in such cases shall state the nature of the investigation which is intended, and shall call upon the alleged proprietor of the exempt lands or interest held or claimed to be held exempt as aforesaid, to attend, either personally or by an authorized Agent, at a specified place, and within a specified period (which shall never be less than two months from the date of the notice being served), to explain the nature of his title to hold such lands, or interest exempt as aforesaid, and to produce all the evidence forthcoming to prove it. The notice shall further explain that a failure to comply with its terms will render the land, or interest to which it relates, liable to attachment.

6. The notice shall be served upon the party holding or claiming to hold the land or interest exempt as aforesaid, or, if his place of residence be not known, upon the person acting for him, or in default of such, upon the person in charge of the land or interest.

7. If such persons cannot be found, a notice shall be posted in the Office of the Native Revenue Officer of the District, and in the Chouree, or most public place of the village, where the land or interest under inquiry is situated, calling on any person who may claim as proprietor, to appear, either personally or by his Agent, to prove his title within six months from the date of the notice, under penalty of the attachment of the land or interest, and on failure of the appearance of a claimant, the land or interest shall be liable to attachment.

8. The attachment provided for by Rules 5 and 7 shall be enforced by the Collector or Chief Revenue Authority of the District in which the

land to which it relates is situated, at the written requisition of the Inam Commissioner, or his Assistant, which shall be a sufficient warrant to the Collector for the attachment of the land, and for the collection of the rents accruing therefrom on account of Government during its attachment.

9. As soon as possible after the receipt of the statements in each District, and of the evidence by which they are supported, they shall be tested by the entries in the Government accounts and State records, and by any other evidence procurable, whether in favor of Government or of the claimants, and decisions shall then be passed on them as to the continuance, resumption, or full or partial assessment of the lands.

10. In cases where the notices provided for in Sections 5 and 7 fail to procure the attendance of the persons to whom they are addressed, and no claimant appears to prosecute his claim, the Commissioner or Assistant Commissioner shall proceed to ascertain the facts of the case from such evidence as may be forthcoming or procurable, and shall pronounce such decision thereupon as to him shall seem just regarding the lands or interests to which the notices referred.

11. An attachment enforced under Rule 8 shall be removed by the Collector or Chief Revenue Authority by whom it was made, on receipt of a communication from the Inam Commissioner or his Assistant, certifying that he considers the attachment to be no longer necessary; but the rents collected from the land during its attachment shall in no case be restored to the alleged proprietor, except under the general or special instructions of Government.

12. Certified copies of decisions made according to the provisions of Rule 9, shall be delivered, as soon as possible after each decision is passed, to the persons on whose claims the decisions shall have been pronounced, or their agents; and copies of all decisions made in the absence of any claimant, according to the provisions of Rule 10, shall be sent to the Mamlutdar, or other Revenue manager of the Talook in which the lands to which they relate are situated, who shall deliver them to the parties affected by them, should they be discoverable, or otherwise cause them to be publicly posted in the village to which the lands in question belong.

13. Decisions, affecting any lands or any interests therein, passed under this enactment, shall be carried into execution by the Collector or Chief Revenue Authority of the District in which the lands to which they relate are situated, at the requisition of the Inam Commissioner or his Assistant, in any manner which may, from time to time, be prescribed by the Governor of Bombay in Council.

14. In all cases where a person may be desirous of appealing against any decision of the Inam Commissioner or his Assistants, he shall apply by a petition, addressed to the authority by whom, according to Rule 2, his appeal is cognizable, which petition shall be presented to such authority within one hundred days from the date of the decree appealed against, a copy of which must accompany the petition of appeal, and no appeal which is not so made shall be admitted, without proof of the existence of a just and necessary cause for its not having been preferred in due time; and it is hereby provided, that no decree passed by the Inam Commissioner or any of his Assistants, shall be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.



## SCHEDULE B.

*Rules for the adjudication of Titles to Estates claimed as Inam or exempt from payment of Land Revenue.*

1. All lands held under a specific and absolute declaration by the British Government, or any competent Officer acting under it, that they were to be continued hereditarily or in perpetuity exempt, wholly or partially, from the payment of Revenue, are to be so continued according to the purport of such declaration.

*Provision 1st.*—If any question shall arise as to the competency of the Officer to make or give such declaration as aforesaid, the Commissioner or Assistant Commissioner is to suspend his judgment, and report the circumstances of the case to the Governor of Bombay in Council, to whom a power is hereby reserved of determining finally whether such Officer was competent to make or give such declaration, and the Commissioner or Assistant Commissioner, upon receiving the determination of the said Governor in Council, shall decide accordingly.

2. Any land held under a sunnud declaring it to be hereditary, shall be so continued according to the terms of the sunnud.

*Provision 1.*—Provided that the grant was either made, or specifically recognized, by authority competent to alienate Government Revenue in perpetuity, the question of which recognition and competency is to be referred to and determined by Government in the manner prescribed by Provision 1st, Rule 1.

*Provision 2nd.*—And provided that there be nothing in the conditions of the tenure which cannot be observed without a breach of the laws of the land, or the rules of public decency.

*Provision 3rd.*—And provided that the grant was not afterwards revoked or disallowed, or an alteration of its terms ordered or recognized by a competent authority.

3. All lands uninterruptedly held as wholly or partially exempt from assessment for a period of sixty years before the introduction of the British Government, and then in the authorized possession of a grandson in male descent, or male heir of the body of such grandson of the original grantee, shall continue to be so held so long as there shall be in existence any male heir of the body of the person who was incumbent at the introduction of the British Government, tracing his lineage from such incumbent through male heirs only.

4. All lands, uninterruptedly held as wholly or partially exempt from assessment, for a period of forty years before the introduction of the British Government, and then in the authorized possession of a son, or male heir of the body of a son of the original grantee, are to be continued for one succession further than that of the person who was incumbent at the introduction of the British Government, that is, until the death of his last surviving son.

*Provision 1st.*—The authorized possession contemplated by Rules 3 and 4 does not involve the necessity of proving any specific authority from, or recognition by, the Government or Paramount

Power. The mere entry of the holding, as continued in the genuine accounts of the District Officers (even in those not audited and passed by the Government of the time being), will be sufficient to bring it under the heads of "uninterrupted" and "authorized" so far as regards the purposes of this Rule; provided only that there are no entries in the Collectorate accounts, which show that the holding of such lands exempt as aforesaid must have been unauthorized by the Government or Paramount Power.

*Provision 2nd.*—If there be not evidence forthcoming to disprove a claimant's assertion that his holding has been undisputedly enjoyed for the number of years and descents requisite to fulfil the conditions of Rules 3 and 4 respectively, his prescriptive right shall be admitted.

*Provision 3rd.*—The introduction of the British Government is to be reckoned from the time the East India Company became the Government or Paramount Authority over each District as regards its Inams. In the Territories ceded by or conquered from the Peshwa, therefore, whether Khalsat Mahals or Serinjams, &c., held exclusive of Inams, &c., the introduction of the British Government will date from the close of that of the Peshwa. But in case of the lapse of an independent Principality, or of a Jagheer more ancient than the Peshwa's Government, and over the Inams of which he did not claim any authority, the introduction of the British Government should be reckoned only from the date at which the general management of the Districts may have come into the hands of the Company, and in case any question shall arise as to the precise date when the East India Company became the Government over any district, or when the general management of any district came into their hands, such question shall be referred to and determined by Government in the manner prescribed by Provision 1st, Rule 1.

6. Land held as wholly exempt from payment of Revenue, or on partial assessment, the possession of which is not continuable under the preceding Rules, is to be resumed on the demise of the incumbent.

*Provision 1st.*—In case the incumbent at the time of the introduction of the British Government may have died, the permission to hold for life is to be extended to the person in whose name the land may be continued when the investigation is commenced, if there be no fraud apparent, nor other reason for withholding this indulgence.

*Provision 2nd.*—When land is evidently held by fraud recently committed, (as when an Inam which was resumed under the late Government has been re-occupied under the present Government without authority, or as when a pretended Inam is found to have originated since the introduction of this Government with the connivance of District or Village Officers), it shall be at once resumed, not being continuable under this or any of the preceding Rules.

7. All lands held for the support of Mosques, Temples, or similar Institutions, of the permanent character of which there can be no doubt, are to be continued permanently, even though their permanent continuance may not have been expressly provided for when they were granted.

**Provisions 1st, 2nd and 3rd.**—The same as the corresponding Provisions of Rule 2 of this Schedule in those cases in which Title Deeds or other Records proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

**Provision 4th.**—When there is no proof forthcoming to shew whether or not an Inam, coming under the Provisions of this Rule, was granted, or even specifically recognized by a competent authority, still, if it has been undisputedly enjoyed for a period of forty years before the introduction of the present Government, it shall be permanently continued, and enjoyment proved by the mere entry of the Inam, as continued in genuine accounts of the District Officers, (even in those not passed by the Government of the time being,) is to be considered sufficiently "uninterrupted" to give an Inam the benefit of this provision, if there be no entries in the Government accounts which shew that it must have been unauthorized by them.

**Provision 5th.**—If the forthcoming Records do not go far enough back to test the existence of enjoyment of the duration contemplated in Provision 4th as establishing full prescriptive title in such Inams, still, if so far as they do go they are not opposed to the claimant's assertion that sufficient enjoyment has taken place, the prescriptive title of the Inam shall be admitted according to his assertions, unless there be other evidence forthcoming to disprove them.

**Provision 6th.**—The peculiar advantages of this Rule shall not apply to the holdings of individuals in their own names for the performance of ceremonial worship, claims to which must be decided under the Rules for personal claims.

**Provision 7th.**—When claims of the denomination coming under this Rule are found to be unsupported by proof of original valid title, and are proved void of sufficient prescriptive enjoyment, they are to be adjudicated according to Rule 6.

8. All lands authorizedly held by an official tenure which it is evident from local usage was meant to be hereditary, and has been so considered heretofore, even though there be no sunnuds declaring it to be so,—for instance, Inams which form the authorized emoluments of any hereditary office, as of Kazees, Village Joshces, &c., and are not merely personal,—are to be continued permanently.

**Provisions 1st, 2nd and 3rd.**—The same as the corresponding Provisions of Rule 2 of this Schedule in those cases in which Title Deeds or other Records, proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

**Provision 4th.**—When there is no proof forthcoming to shew whether or not an Inam, coming under the provisions of this Rule, was granted or even specifically recognized by competent authority, still if it has been undisputedly enjoyed as an official and not merely personal holding, from the earliest period to which the forthcoming evidence does relate, it shall be continued permanently as official emolument, unless the claimant's own statement renders this course improper.

**Provision 5th.**—The provisions of this Rule are not in any way to apply to emoluments continued for service performed to the State, as the Service Wuttans of Descees, Surdescees, Nargowdas, Deshpandee, Patella, Coolkurnees, Mbars, Tulwars, whose claims are to be disposed of according to the Rules which are or may be established for the regulation of such holdings.

**Provision 6th.**—It is to be understood that mere length of enjoyment of land as Inam by an official person is not of itself sufficient to entitle a claim to be brought under this Rule.

**Provision 7th.**—If a holding, claimed under this Rule, be found incapable of permanent continuance under it, the claimant shall be allowed the advantages of any of the preceding Rules of this Schedule which may be applicable to his case.

9. On the resumption of any lands under the Rules of this Schedule, a moiety, or other portion may be continued to the Widows of the last incumbents during their lives, in cases of proved poverty and destitution.

**Provision 1st.**—In the case of a holding, which is recognizable as an hereditary personal Inam, the widow of a proprietor who dies without surviving male issue, or other heirs to whom his Inam will of necessity descend, is by right his sole heir, and during her life, the Inam cannot be regarded as having lapsed to Government: it should therefore, in such a case be continued undiminished during the widow's life.

10. These Rules shall not be necessarily applicable to Jageers, Serinjama, or other tenures for service to Government, or tenures of a Political nature, the titles and continuance of which shall be determined as heretofore under such Rules as Government may find it necessary to issue from time to time.

11. Any of these Rules may be relaxed in favor of claimants under instructions from the Governor of Bombay in Council, in whom shall also be vested the power of interpreting the precise meaning of any of the Rules respecting which a question may arise.

FRED. JAS. HALLIDAY,  
Secy. to the Govt. of India.

Fort William, Home Department, Legislative.  
The 20th February, 1852.

The following Act, passed by the Governor General of India in Council, on the 20th February 1852, is hereby promulgated for general information:

ACT NO. XII. OF 1852.

An Act to repeal Act No. II. of 1848, and to confer certain powers on the Commissioners for the Improvement of the Town of Calcutta.

Whereas by Section LXV. of Act No. X. of 1852, it is, among other things, enacted that certain funds therein mentioned should be applied by the Commissioners for the Improvement of the Town of Calcutta in cleansing, improving and embellishing the said Town: And whereas it is expedient that the said Commissioners should be invested with further powers for the effectual accomplishment of the purposes aforesaid, It is hereby enacted as follows:

I. Act II. of 1848, and the Byo-Laws made in pursuance thereof, and the Regulation for the Good Order and Civil Government of the Settlement of Fort William in Bengal, passed in Council, on the 28th day of October 1814, are hereby repealed. Act X. of 1852, repealing Act XVI. of 1847, shall not be construed so as to revive Act XXIV. of 1840.

II. The said Commissioners may, subject to confirmation or disallowance by the Governor of Bengal, nominate, appoint and employ, respectively, such Surveyors, Inspectors and other necessary Officers and Servants as may be necessary or proper for the execution of the powers hereby vested in them; and such Surveyors, Inspectors, Officers and Servants shall receive such salaries as to the Governor of Bengal shall seem most.

III. The management and control over all the streets within the said Town of Calcutta, existing at the time of the passing of this Act, and of all parts of the said Town which shall hereafter become streets, and the pavements and other materials therein, and all erections and buildings, materials, implements or other things provided for the said streets by or under the authority of the Governor of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners; and also the management and control of all public tanks, aqueducts and canals, and of all sewers and drains, whether public or private, now made or hereafter to be made within the said Town, are hereby vested in the said Commissioners for the purposes of this Act.

IV. The said Commissioners, by and with the consent of the Governor of Bengal, may lay out, make, build and construct streets, and may alter and widen narrow streets, and may turn, divert, discontinue or stop up streets, within the said Town, regard being had to the compensation of owners of lands which may be required to be vested in the said Commissioners for any such purposes, and of owners of lands which may be damaged or deteriorated in value by the turning, diverting, discontinuing, or stopping up of any such streets,—and, in case of dispute, the amount of such compensation shall be ascertained and paid in the manner and according to the provisions contained in Act XXII. of 1847, which is hereby declared to be applicable to all claims for compensation made in respect of any acts done by the said Commissioners under the authority of this Act. Provided always, that it shall not be lawful for the said Commissioners, or any other person, to make or lay out any new street, unless the same, being a carriage road, be at least 50 feet wide, exclusive of the drains at the sides thereof, or not being a carriage road, be at least 20 feet wide, exclusive of the drains at the sides thereof.

V. The said Commissioners, with the consent and approbation of the Governor of Bengal, shall pave, metal and water such of the public streets existing in the said Town at the time of the passing of this Act, or at any future time, as they shall think fit; and it shall be lawful for the said Commissioners to excavate and provide convenient tanks or runs of water through the said Town, and to sink wells, and lay, erect, and place pipes, gutters, conduits and pumps in any of the said streets, and may remove and alter the same when and in such manner the said Commissioners shall think proper.

VI. The said Commissioners, by and with the consent of the said Governor of Bengal, may, by agreement or in conformity with the provisions of Act XXII. of 1847, purchase or take absolutely or on lease, for such terms as they may think fit,

any water-works, streams of water, lands, fixtures or other property which the said Commissioners may deem it necessary to purchase, or take for any work or purpose which they are required or authorized to do and execute under this Act, or the said Act No. X. of 1852, and when the said Commissioners take and purchase any lands for the purposes of this Act otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the powers so given, be subject to the provisions and restrictions contained in the said Act No. XXII. of 1847; and the said Commissioners shall make to the owners and occupiers of and all other parties interested in any such lands taken for the purposes of this Act, full compensation for the value of the lands so taken, and for all damages sustained by such owners, occupiers and other parties by reason of the exercise, as regards such lands, of the powers vested in the Commissioners by this Act; and the amount of such compensation shall be determined in the manner provided by the said Act No. XXII. of 1847, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said Act No. XXII. of 1847, shall be applicable to determine the amount of any such compensation, and to enforce the payment or other satisfaction thereof.

VII. The Commissioners, by and with the consent of the Governor of Bengal, may sell or dispose of any lands or other property vested in or acquired by them under the powers herein, or in the said Act No. XXII. of 1847, contained, which it may appear to the Commissioners may be properly sold or disposed of; and for completing and carrying any such sale of lands into effect, the Commissioners may make and execute a conveyance of the lands sold and disposed of as aforesaid unto the purchaser or as he shall direct, and such conveyance shall be under the hands of three of the Commissioners, and under the seal of the Commissioners, and a receipt, under the hands of three of the Commissioners, shall be a sufficient discharge to the purchaser of any such lands for the purchase money in such receipt expressed to be received, and the money to arise from such sale shall be applied to such of the purposes of this Act as the Commissioners shall think fit.

VIII. The said Commissioners may, from time to time as they shall see fit, widen, deepen, embank, alter, arch over, amend, clean and scour out all or any of the sewers or drains within the said Town as may be necessary, and also cleanse and drain off into any sewers or drains, and fill up and level or otherwise abate all stagnant pools, ditches, tanks and other receptacles of foul water and filth existing within the said Town, whether the same be the private property of any person or persons or otherwise, and the said Commissioners, if they shall think fit, may take up, stop, fill in, and discontinue any sewers or drains which they shall deem useless or unnecessary; Provided always that the expenses incurred in respect of any such works done or executed on the private property of any person, if not defrayed by such person on demand thereof, may be recovered by distress and sale of the goods and chattels of such person, and any two of the said Commissioners may issue their warrant of distress accordingly.



## IX. Every Commissioner and the Surveyor to

Power to Commissioners to enter, examine, and lay open houses, lands, &c., for that purpose. Compensation in certain cases.

the Commissioners, with such subordinate officers or persons as they may require shall, when it shall be necessary or convenient for the purpose of making any survey or examination of any sewers or drains, or of making or repairing or cleansing any sewers, drains, or works within the said Town, or of carrying into execution any of the powers entrusted to the Commissioners by this Act, or Act No X. of 1852, have full power and authority, at all reasonable hours in the day-time, to enter, examine, and lay open, or to direct their subordinate officers to enter, examine and lay open, any house, building or other erection, or any lands, without being liable to any action at Law or Suit in Equity, or any other legal proceedings or molestation whatsoever, for or on account of such entry, examination, or works, or of any thing done, or to be done in any part of such house, building, erection or land in pursuance of this Act; Provided always, that except in cases of emergency, none of the persons above mentioned shall enter, examine or lay open any house, building or other erection, or lands which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of their intended entry and of the object thereof; Provided also, that compensation shall be made for any damage occasioned by such entry and works to all persons other than the owners and occupiers of any land or building in respect of which any private drain or sewer, or the state of drainage shall be inspected, cleansed, or repaired, and other than the owners or occupiers of any premises where any nuisance may exist, and other than the person who may have caused such nuisance; and provided also, that in case no nuisance shall be found to exist in or on the house, building or other erection, or lands so entered, examined and laid open as aforesaid, the said Commissioners shall, out of the rates and taxes aforesaid, cause the said house, building, or other erection, or lands, to be restored to the same state and condition in all respects as the same were in before they were so entered, examined or laid open.

## X. If any house, building, or wall, or anything

Power to commissioners in case of ruinous or dangerous buildings.

affixed thereon within the limits of the said Town, be deemed by the Commissioners or their Surveyor to be in a ruinous state, or likely to fall, and also dangerous to passengers or the occupiers of neighbouring buildings, such Surveyor shall immediately cause a proper board or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner of such house, building, or wall, or other thing, if he be known and resident within the said limits, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or other thing, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure such house, building, wall, or other thing, within the space of three days after such notice has been given or put up as aforesaid, and complete the same as speedily as the nature of the case will admit, the said Commissioners shall, with all convenient speed, cause all or so much of such house, building, wall, or other thing, as shall be in a ruinous condition,

or likely to fall, and also dangerous as aforesaid, to be taken down, repaired, rebuilt or otherwise secured in such manner as shall be requisite; and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding or securing such building, wall, or other thing, shall be paid by the owner thereof, if such owner can be found within the said limits; and if, on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress on the goods and chattels of the owner of the said house, building, wall, or other thing, and any two Commissioners may issue their warrant of distress accordingly.

XI. If any such house, building, wall, or other thing, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house, building, wall, or other thing, and the Commissioners shall restore any overplus arising from such sale to the owner of such house, building, wall, or other thing on demand; nevertheless the Commissioners, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

## XII. The said Commissioners, by and with the

Power to Commissioners to make canals, aqueducts, sewers, drains, &c.

consent of the Governor of Bengal, may construct, make, and lay, or cause to be constructed, made, and laid, such reservoirs, canals, aqueducts, channels, tanks, sewers, drains, bridges, banks, conduits, machinery, engines, waste-gates, stop-gates, stop-cocks, sluices, tunnels, water-pipes, and other works, as shall, in their opinion, be necessary and proper for obtaining water and supplying the same to the said Town, and for the effectual draining and cleansing of the said Town, and for the properly flushing and cleansing out such sewers in, under, or across all or any of the streets therein, whether dedicated to the public use or not, and if needful through and across all under-ground cellars, and vaults, which they may find under any of the said streets, doing as little damage as may be; and also to cause such and so many rings and openings to be made or left in the sides of the said sewers, as will be sufficient for the making or branching any drain or drains from any or all of the houses built, and which may probably be built, adjoining or near thereto, into any of the said sewers, as the said Commissioners shall think necessary for that purpose; and in case it shall be found necessary for completing any of the aforesaid works to build, carry, or continue the same in, into, through, or over any enclosed lands, or other place not being a public way, it shall be lawful for the said Commissioners to build, carry, or continue the same in, into, through, or over the said lands or other places accordingly, and the said Commissioners shall cause such sewers to communicate with and empty themselves into any public river, stream, canal, or watercourse, whether within or without the said Town, or shall cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its deposit, collection, and sale, and its application as manure for agricultural purposes or otherwise, as they shall deem most expedient, but so that the same shall in no case become a public nuisance or annoyance to the neighbourhood.

**XIII.** For the purpose of constructing any aqueducts for bringing water to the Town of Calcutta from any place without the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, or for the purpose of making sewers or drains to communicate with or empty themselves into any public sewer, lake, stream, canal, or water-course without the said limits, it shall be lawful, whenever a plan for any such aqueduct, sewer, or drain shall have been approved by the Governor of Bengal, for every Commissioner, and for the Surveyor and Secretary to the Commissioners, with such Assistants as they may require, to exercise, in the construction of such aqueduct, sewer, or drain throughout the line of country through which the said aqueduct, sewer, or drain is to run, all the powers which by this Act it is lawful for them to exercise within the said local limits, and which may be necessary for the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any Magistrate of any district through which the said aqueduct, sewer, or drain is to run, in furtherance of the construction of such aqueduct, sewer, or drain, to do such acts within the limits of his own district as it is by this Act lawful for a Magistrate of the Town of Calcutta to do, in furtherance of any work to be executed by the said Commissioners within the said local limits.

**XIV.** It shall be lawful for the said Commissioners, instead of executing any of the works which by this Act they are authorized to execute by themselves, their servants, and assistants, to execute the same by contract with any individual or company who may be willing to undertake the same, and in that case it shall be lawful for such individual or company to exercise and enjoy all the powers and privileges which by this Act it is lawful for the said Commissioners to exercise and enjoy in the execution of any such works. Provided always, that no Commissioner or Officer, or servant of the Commissioners, shall be in any wise concerned or interested in any contract or work made with or executed for the Commissioners, and if any such Commissioner, or Officer, or Servant, be so concerned or interested, or shall, under colour of his office or employment, exact, take, or accept any fee or reward whatsoever, other than his proper salary, wages, fees, and allowances, he shall be incapable of afterwards holding or continuing in the office of Commissioner, or any office or employment under the Commissioners, and shall forfeit and pay the sum of Company's Rupees five hundred, which may be recovered by any person, with full costs of suit, by action of debt.

**XV.** The said Commissioners may, with the consent and approbation of the said Governor, contract and agree with any person for supplying the said Town, or any part thereof, with water, and may also, with the like consent and approbation, grant to any person contracting to supply the said Town, or any part thereof, with water, a lease, for any term not exceeding twenty-one years, of any water-works, machinery, streams, waters, lands, tenements, easements, rights, privileges, and advantages, belonging to or acquired by, or which may belong to or be acquired by or be vested in the said Commissioners, under any of the powers or authorities in this or any other Act contained, so as to enable

such person or persons so contracting the more effectually and efficiently to procure and supply water in pursuance of any such contract or agreement; and every such lease so to be granted by the said Commissioners may be made subject to such conditions and stipulations as to the supplying water, for the purposes of this Act, or any of them, as may be agreed upon between the respective parties thereto. Provided always, that no lease or contract made in pursuance of the powers hereinbefore contained shall be valid or effectual, for any purpose whatsoever, unless the said Governor's approval of the same shall be testified by writing, endorsed on such lease or contract, under the hand of the Secretary to the Government of Bengal.

**XVI.** It shall be lawful for the said Commissioners, their Secretary, Surveyor, or other Officer, subject to the restrictions in this Act contained to enter upon the lands of any corporation or person adjoining to, or being within the distance of one hundred yards of the works by this Act authorized to be made, or any part thereof, for the purpose of depositing upon such lands, or any part thereof, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment tender, or deposit, the said Commissioners, their Secretary, Surveyor, or other Officer, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said lands to the owners and occupiers thereof, from time to time, and as often as any such temporary occupation shall be taken or any such temporary damage done, and making compensation to the owners also for the permanent injury (if any) to such lands; and in case the parties differ respecting the amount of the compensation, or the respective shares of several claimants of compensation, then and in every such case the said disputes respectively shall be settled and adjusted by arbitration, or by the verdict of a Jury, summoned and assembled in manner provided in Act No. XXII. of 1847. Provided always that before the said Commissioners make any such temporary use as aforesaid of the lands adjoining or lying near to the said works, they shall give fourteen days' notice of such their intention to the owners and occupiers of such lands, and shall separate and set apart by sufficient fences so much of the lands as shall be required to be used as aforesaid from the other lands adjoining thereto.

**XVII.** The said Commissioners, when executing any works hereby authorized to be made, shall, at their own expense, make and provide a sufficient number of convenient roads, ways, watering places, wells, water-courses, drains and channels for the irrigation and for the use of the adjoining lands, and for irrigating the same in those parts where the present roads, ways, watering places, wells, water-courses, drains, and channels shall and may be taken away or interrupted, injured, or rendered inconvenient or useless by reason of the execution of the said works, and in case of any difference arising between the said Commissioners and the owners of such adjoining lands, such difference shall be settled by arbitration, or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

**XVIII.** The said Commissioners shall make full compensation out of the rates and taxes to be levied by them to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, or their Officers or servants, under and by virtue of this Act.

Power to Commissioners to make compensation out of rates, &c.

**XIX.** It shall be lawful for the said Commissioners to direct any prosecution before any Court or Justice of the Peace for any public nuisance whatsoever which shall be permitted, suffered or committed within the said Town, and to order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecutions and other proceedings to be paid and borne by and out of the funds placed at their disposal under the provisions of this or any other Act.

Power to Commissioners to prosecute in certain cases.

**XX.** It shall be lawful for the said Commissioners, if they shall not think fit to take any other proceedings prescribed by this Act, to prefer any bill of indictment or information, or to take any other proceedings against any person who shall obstruct or molest the said Commissioners, or their Secretary, Surveyor, or other Officer or servant, or any workman or other person employed by them in the performance and execution of their or his duty, under or by virtue or in consequence of this Act, or who shall steal, take, or carry away, or wilfully deface or injure any property, article, or thing belonging to the said Commissioners, and in every such case it shall be sufficient to state generally the property, article, or thing, in respect of which such proceeding shall have been taken, to be the property of the said Commissioners.

Power to Commissioners to prefer bill of indictment in certain cases.

**XXI.** It shall be lawful for any of the Commissioners, their Secretary, Surveyor, Inspectors, Overseers, or any servants or persons employed by them, and for any Inspector of Police or policeman employed in the said Town, and such other person or persons whom he or they shall call to his or their assistance, without any summons, or warrant, or other authority than this Act, to seize and detain any unknown person who shall commit any offence against the provisions of this Act, and to take him immediately to a Police Station, where he shall be detained in default of Bail until he can be taken before any Justice of the Peace, who is hereby required to proceed and act with respect to such offender according to the provisions of this Act.

Power to Commissioners to arrest unknown offenders without warrant.

**XXII.** The Commissioners, or any one of them, or any person appointed by them for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place, kept or used for the sale of butcher's meat, poultry, fish, or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, or vegetables which may be therein, and in case any animal, carcase, meat, poultry, game, flesh, fish, or vegetables appear to be intended for the food of man, and to be unfit for such food, may seize, remove, and destroy the same, at the expense of

Power to Commissioners to enter and inspect bazars, slaughter-houses, &c., and to seize unwholesome articles exposed for sale.

the owner thereof, or the owner, occupier, or farmer of any such public market, bazar, or slaughter-house, or private shop or stall within the Town, wherein the same shall be exposed or allowed to be exposed for sale.

**XXIII.** The Commissioners or their Surveyor shall have full power and authority to remove or order the removal of any wall, fence, rail, post, or other obstruction or encroachment in any street or in or over any drain, sewer, or aqueduct, within the said Town, whether the proprietary right to such street drain, sewer, or aqueduct shall be in dispute or not; provided always that nothing in this Act shall be construed to give the said Commissioners or their Surveyor power to remove such wall, fence, or other obstruction after the decree or order of any competent Court has declared the land, walled, fenced, or railed in, to be private property.

Power to Commissioners to remove obstructions in streets.

**XXIV.** When any private tank, or low marshy ground, shall appear to the Commissioners to be offensive to the neighbourhood or unwholesome, it shall be lawful for the said Commissioners to require, by notice in writing, the owner thereof to cleanse or fill up the same, and if the said tank shall remain uncleansed or not filled up for seven days after such notice, it shall be lawful for the said Commissioners to enter into and upon the adjoining lands, and to cleanse or fill up the said tank as they shall think fit, and the expense incurred thereby shall be paid by the owner of such tank, to be recovered in manner hereinafter mentioned.

Power to Commissioners to fill up unwholesome tanks.

**XXV.** The Commissioners may affix on or to the wall of any house or compound, or in or to any wall within the said Town, as they shall think fit, any board or metal plate to indicate the name of the street in which such house, compound, or wall is situate, or any lamp for the purpose of lighting the street.

Power to Commissioners to affix boards or plates to houses.

**XXVI.** It shall be lawful for the said Commissioners or their subordinate Officers, as they shall think fit, to kill and destroy, or to order to be killed and destroyed, all dogs that may be found loose in the said streets, and not accompanying their owners or some person in charge of them.

Power to Commissioners to kill dogs.

**XXVII.** The said Commissioners shall, so far as the funds at their disposal will admit, keep in good and sufficient repair every street now or at any future time existing in the said Town.

Commissioners to repair streets, &c.

**XXVIII.** When any of the streets, sewers, or drains in the said Town are being made, or shall be under repair, the Commissioners or their Surveyor, or other subordinate Officer, shall take proper precautions against danger by shoring up and protecting the adjoining houses, and shall fix and place, or cause to be fixed and placed such and so many bars, chains, or posts across or in any of the said streets to prevent the passing and repassing of carriages, carts, or other vehicles, cattle or horses, during the time of such works and repairs being carried on as shall be necessary, and the said Commissioners and their said Surveyor shall cause any sewer or drain or other works, during the construction or repair thereof by them, to be well and sufficiently lighted during the night to prevent accidents.

Commissioners to take precautions when streets and drains under repair.



**XXIX.** The said Commissioners, so far as the funds at their disposal will admit, shall provide lamps for lighting such parts of the said Town as the said Commissioners shall consider to require the same, and shall keep the said lamps in fit order for public use, and shall keep and employ a sufficient number of persons to cleanse, prepare, repair, and light the same, and shall also from time to time, as shall be required, increase or otherwise alter the number and situation of the said lamps, as to them shall appear necessary for the lighting of the said town.

**XXX.** The said Commissioners and their said Surveyor and other Officers shall cause all the public streets of the said Town, together with the foot-pavements or foot-paths therein, from time to time to be properly swept and cleansed, and all dust, dirt, soil, ashes, rubbish and filth of every sort which may be found thereon to be collected and removed therefrom at convenient hours and times, and shall cause all or any of the privies, cesspools, and drains within the said Town to be cleansed and emptied in a sufficient and proper manner by the owners or occupiers of the premises; and the said Surveyor or other subordinate Officer of the Commissioners shall give such orders and directions to the owners and occupiers aforesaid as to the said Surveyor or other Officer as aforesaid, acting under the orders and control of the said Commissioners, shall appear proper and necessary, and the said Commissioners may, in their discretion, order and direct where, and in what places, and how, and in what manner, the dust, dirt, soil, night soil, ashes, rubbish and filth collected in the said Town shall be deposited and disposed of.

**XXXI.** The owners of any private drains in the said town shall by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose, prevent as far as possible the effluvia of sewers and drains from exhaling from gully-holes, gratings, or any other openings whatsoever of drains or sewers in streets or other places, and in case the owner of any private sewer or drain shall neglect or delay so to do, the Surveyor of the said Commissioners shall give him notice to prevent as far as possible the effluvia of such sewer or drain from so exhaling, and if the same shall not be done by such owner within ten days after such notice shall have been given to him, the said Surveyor shall forthwith provide and apply proper traps or other coverings, or such other means as aforesaid, so as effectually to prevent such effluvia from exhaling, and the expense incurred thereby shall be paid by the owner of such sewer or drain, to be recovered in manner hereinafter mentioned.

**XXXII.** If upon the representation of the Surveyor of the Commissioners, and after inquiry by such other ways and means as the Commissioners may think fit to direct, the said Commissioners shall certify, (such certificate to be published in the *Calcutta Gazette* and in one of the English and Bengallee newspapers respectively usually circulated within the town,) that any burial-ground situated within the said town is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship within the town is dangerous to the health of persons frequenting

the same by reason of the state of the vaults or graves within the walls of or underneath the same, and that sufficient means of interment exist within a convenient distance from such burial-ground, church, or place of public worship, it shall not be lawful, after a time to be named in such certificate, to bury or permit or suffer to be buried any further corpses or coffins in, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate, and whosoever after notice of such certificate buries or causes, permits, or suffers to be buried any corpse or coffin contrary to this enactment, shall for every such offence be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Company's rupees five hundred.

**XXXIII.** No vault or grave shall be constructed or made within the walls of or underneath any church or other place of public worship built in the said Town after the passing of this Act, and no burial-ground shall be made or formed within the said Town after the passing of this Act without the consent of the Commissioners first had and obtained, and whosoever shall bury or cause, permit, or suffer to be buried any corpse or coffin in any vault, grave, or burial-ground constructed, made, or formed contrary to this enactment, shall for every such offence be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Company's rupees five hundred.

**XXXIV.** No writ or process shall be issued out against or served upon any Commissioners or any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners for anything done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at his office or place of abode, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause, and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant, and every such action shall be brought or commenced within three calendar months next after the accrual of the cause of action, and not afterwards, and if any party shall have committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act or by virtue of any power or authority hereby given, and if before action brought in respect thereof such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

**XXXV.** No matter or thing done, or contract entered into by the Commissioners, or any one of them, or by any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Com-

Commissioners and their servants not to be personally liable when act done *bona fide*.

missioners, shall, if the matter or thing were done, or the contract were entered into *bona fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense incurred by any such Commissioners, Secretary, Surveyor, or other Officer or person acting as last aforesaid, shall be borne and repaid out of the funds under the control of the Commissioners.

**XXXVI.** All the streets existing within the said Town at the time of the passing of this Act, and all parts of the said Town which shall hereafter become streets, and also the pavements, stones and other materials therein, and all erections and building materials, implements or other things provided for the said streets, by or under the authority of the Government of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, and also all public sewers and drains within the said Town, together with all works, materials and things therewith connected and belonging, existing in the said Town at the time of the passing of this Act, or which shall hereafter be constructed and made therein by the said Commissioners or otherwise, and also all canals, aqueducts, conduits, tunnels, water works-cisterns, pumps, pipes, tanks, reservoirs and wells which now are or shall hereafter be provided or lawfully applied to public use, and which are not the property of any private person, together with all buildings, engines, works, materials and things therewith connected, existing in the said Town at the time of the passing of this Act, or which shall hereafter be constructed and made therein at the costs of the said Commissioners or otherwise, and also all lands surrounding and belonging to public tanks and slips of ground alongside of any street, drain or aqueduct not the property of any private person, and also all lands belonging to the late Lottery Committee and not legally appropriated, and also all dirt, dust, dry and liquid filth, ashes and rubbish to be collected from the streets, houses, privies, sewers and cess-pools and elsewhere within the said Town, shall be the property of and are hereby vested in the said Commissioners as Trustees for the purposes of this Act.

**XXXVII.** Nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be deemed and adjudged to be a nuisance at common Law, nor to exempt any person guilty of a nuisance at common Law, from prosecution or action in respect thereof. Provided always, that if any person convicted of an offence under this Act, shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof, or shall have suffered imprisonment in respect of such offence, in every such case he shall be released from all further or other criminal proceedings for the same offence.

**XXXVIII.** It shall be lawful for any person, at his own expense, to make or branch any drain into any of the sewers vested in the said Commissioners, or authorized to be made by virtue of this Act, or otherwise required by the said Commissioners, such drain being made of such a size and in such a manner of communication in all respects as the said Surveyor of the said Commissioners

shall direct, and for that purpose to take up and remove with the permission of the Commissioners so much of the pavement and other materials of any street as may be required, unless the said Commissioners shall consent and agree, which they are hereby authorized to do, to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street, and in case any person shall make or branch any drain into any of the said sewers so vested in the said Commissioners, or authorized to be made, under and by virtue of this Act, of a different size or in a different manner and form of communication than shall be directed or appointed by the said Surveyor, every person so offending shall, for every such offence, forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding fifty rupees, and in default of payment shall be imprisoned for any period not exceeding one month, and the said Justice shall order the said person so offending to alter such drain as required by the said Commissioners within ten days, and in default the said Commissioners shall, at the expense of the maker of such drain, alter or destroy the same as they shall think fit, and in case the expense of making such alteration or destruction shall not be paid by the owner or maker of such drain, the expense incurred thereby shall be recovered in manner hereinafter mentioned.

**XXXIX.** It shall be lawful for the said Commissioners to contract and agree with the owners of any houses or other tenements within the said Town, that any drains required to be constructed and made by such owners shall be constructed and made by the Surveyor of the said Commissioners, and the cost price of making such drains, (as certified by the said Surveyor of the said Commissioners,) shall be repaid by such owners to the said Commissioners, and in default of such payment the same may be recovered in the manner hereinafter provided.

**XL.** Before beginning to dig or lay the foundations of any new house, building or wall within the said Town, or to rebuild any house, building, or wall therein, contiguous or near to any street and not being within the compound wall of any premises, and also before making any sewer or drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Commissioners, fourteen clear days' notice in writing shall be given to the Secretary to the said Commissioners by delivering the same to him or leaving it at his office by the person intending to build or re-build such house, building or wall, or to make such sewer or drain; and every foundation of any such house, building, or wall, and the drains within the same, shall be laid at such level as the Surveyor of the said Commissioners shall direct, and so as that no part of the said house, building, or wall shall project or encroach into or over the adjoining street, drain, or aqueduct, and so as that the said drains may be properly built with reference to the adjoining public drains, and every such branch drain shall be made in such direction, manner, and form, and of such materials and workmanship as the said Surveyor shall order, and the building or re-building of any such house, building, or wall shall be under the survey and

Streets, drains, filth, &c., the property of Commissioners as Trustees.

Commissioners may contract with owners to make such drains at their expense.

Act not to exempt parties guilty of nuisance from prosecution or action.

Notice to be given to Commissioners before any new sewer or building is commenced to be built, as Surveyor shall direct.

Parties may make branch drains into public sewers, as Surveyor of Commissioners shall order. Penalty for offences against this Section.

control of the said Commissioners and their Surveyor so far as may be necessary to prevent any projection or encroachment in or over any street, drain, or aqueduct, and to insure that the level of the drains within such house, building, or wall shall be properly built with reference to the public drains; and in default of such notice as aforesaid, or if such building or drain shall be begun, or made without, or in any respect contrary to, any order of the said Surveyor, or of the provisions of this Act, it shall be lawful for the said Commissioners to cause such building to be demolished, and to cause such drain to be re-laid, amended, destroyed, or re-made as the case may require, and to cause the expenses thereof to be levied and re-paid to them from and by the owner thereof in manner hereinafter provided.

**XLI.** Every person upon conviction before any Justice of the Peace, on the testimony of one or more credible witnesses, shall be liable to a penalty of not more than Fifty Rupees, or in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding one month, who, within the limits of the said Town, shall commit any one of the following offences; (that is to say,)

1. Every person who shall throw or put, or cause or order or allow his servants to throw or put, or from whose premises shall be thrown or put, any dirt, dung, mud, dust, ashes, garden or stable refuse, or rubbish of any kind, or the carcase of any dog or other animal, or any flesh or other part of an animal, or any animal matter, upon any of the public streets, except between the hours of midnight and seven in the morning.

2. Every person who shall throw or put, or cause or allow to be thrown or put, or from whose premises shall be thrown or put, any broken bottles, glass, china or crockery-ware upon or into any street, drain or aqueduct.

3. Every person who shall keep, or allow to be kept, for more than twenty-four hours, any dirt, dung, mud, dust, bones, ashes, night-soil, or other rubbish of a perishable and noisome kind in or upon any house, out-house, yard, or ground occupied by him.

4. Every person being the owner or occupier of any private tatty, drain, sewer, cesspool, tannery, or other receptacle of filth, who shall neglect or refuse to keep the same in a clean and proper state, or to employ proper means to remove any noisome smell or the filth therefrom, or who shall expose the contents of such privy to the view of the passers by in the street.

5. Every person being the owner or occupier of any house, hut, building, or lands, whether tenanted or otherwise, who shall suffer the same to be in a filthy and unwholesome state, or overgrown with rank and noisome vegetation.

6. Every person who shall cause or allow the water of any sink, sewer, or drain or other offensive liquid matter belonging to him, or running through or being on his land, to run, drain, or be carried into or upon any of the streets, tanks, aqueducts, or reservoirs belonging to the Commissioners, or who

shall commit or cause any act whatsoever whereby the water provided for the domestic use of the inhabitants of the town shall be in any way fouled or corrupted, or who shall throw or put, or cause or order or allow his servants to throw or put, or from whose premises shall be thrown or put, any dirt, dung, mud, dust, ashes, night-soil, garden or stable refuse or other rubbish, into any of the public sewers or drains, or into any reservoirs, tanks, aqueducts, or other water-works belonging to the Commissioners.

7. Every person who shall have or keep any common tatty, privy, or urinal, on any ground owned or occupied by him within the Town, without a licence first had from the Commissioners who are hereby authorized to grant the same under the hand of their Secretary; such licence shall be granted for one year, and shall be renewed or not every year according to the discretion of the Commissioners.

8. Every person being the owner or farmer of any licensed tatty, privy, or urinal within the said Town who shall suffer such tatty, privy, or urinal to be kept in a filthy and unclean state, or shall neglect to employ proper means for cleaning and regulating it.

9. Every person who shall wantonly or wilfully destroy, injure, or deface any of the lamps or street-lamps or lamp-posts in the said streets, or extinguish any light therein, or abstract or take away from any of the said lamps any oil or other matter or thing therein, or any part thereof, without the order of the said Commissioners or of their said Surveyor; or who shall wantonly or wilfully destroy, injure, or deface any board bearing on it the name of any street or the number of any building or land within the said Town, or any notice of the said Commissioners fixed or posted up in any place.

10. Every person who shall displace, take up, or make any alteration in the pavements, flags, stones, fences, posts, or other materials of any foot or carriage-way in any street, without the consent in writing of the said Commissioners or of their said Surveyor, or who shall cause any obstruction to or make any encroachments upon any street or upon any sewer, drain, aqueduct, or space of ground alongside a street, drain or aqueduct.

11. Every person who shall take down or remove any fences or boards, or any bars, chains, or posts erected by the said Commissioners, or extinguish any light attached to or connected with the said fences, boards, bars, chains, or posts without the authority or consent of the said Commissioners or their Surveyor.

12. Every person who shall carry or cause to be carried in carts, pots, handies, or other vessels any night-soil or urine, or other noisome or offensive matter through the public streets except between the hours of midnight and eight in the morning, or who shall carry or cause to be carried any night-soil or urine in such manner that any offensive smell or drainings issue therefrom, or who shall place or set down in any public place any vessel containing night-soil or urine, or who shall carry or cause the same to be carried in any other than covered carts or vessels, or who shall throw or deposit any night-soil in or upon any street.



13. Every person who shall bathe or wash any part of his person in any public street, or upon or in any of the tanks, reservoirs, aqueducts, water-works, or drains belonging to the Commissioners except in such of the said tanks, reservoirs, aqueducts, water-works, or drains as the Commissioners shall set apart for that purpose.

14. Every person who shall wash or cause to be washed any horse, dog, or other animal, or any cloth, wearing apparel, leather, or skin of any animal, or any foul or offensive thing on any street, in or near any tanks, reservoirs, aqueducts, water-works, or drains belonging to the Commissioners, or on or in the road adjoining thereto, except in such of the said tanks, reservoirs, aqueducts, water-works, or drains as the said Commissioners shall set apart for that purpose.

15. Every person who shall wilfully and indecently expose his person, or who shall commit nuisance in any of the public streets.

16. Every person being the owner or occupier of any house, hut, or building within the Town which has a drain on the same side of the street where-in such house, hut, or building is situate, who shall cause or allow any water, or liquid matter from or on such house, hut, or building to flow or be carried through pipes, gutters, water-spouts or other means on any part of any public street, or on any place but his own land or the public drain, or who shall refuse or neglect to remove or alter the direction of any such pipe, gutter, or water-spout after the expiration of ten days' notice for that purpose given by the Surveyor of the said Commissioners; and any person being the owner or occupier of any house, hut, or building in the said Town, which has not a drain on the same side of the street as such house, hut, or building, who shall convey the water from the said house, hut, or building in or upon any public street, through pipes or water-spouts the mouths of which shall be higher than two feet from the ground.

17. Every person being the owner or occupier of any house, hut, or building, who shall cause or allow any verandah, balcony, sunshade, or other part of any house, hut, or building to overhang and project into any public street or public place at a height of less than eleven feet from the level of the roadway or to a distance exceeding four feet from the house, and who shall refuse or neglect to take down and remove such verandah, balcony, sunshade or other projection after the expiration of fifteen days' notice for that purpose given by the Surveyor.

18. Every person who shall, after the passing of this Act, erect or set up any verandah, balcony, sun-shade, or other projection of any kind which may overhang and project into the road at any height and to any distance without licence first obtained from the Commissioners under the hand of their Surveyor.

19. Every person who shall wash or cleanse, or cause or order or allow his servants to wash or cleanse any carriage or other conveyance, or horse or other animal, or whose carriage or other conveyance or horse or other animal shall be washed or cleansed in any public street or other public place.

20. Every person who shall place, set up, or build in any public street within the Town any board, scaffolding, post, bar, rail, boards, or other thing by way of inclosure for the purpose of making mortar or of depositing, sifting, screening, or slackening any bricks, stone, lime, sand, or any other materials for building or repairing any house or other building, or for any other purpose whatsoever without licence first obtained from the Commissioners, who are hereby authorized to grant such licence, under the hand of their Surveyor, or who shall set up or build the same in any other manner, or allow or cause the same to be continued for any longer time than shall be allowed or expressed in such licence, or who shall cause or allow any of the building materials or other things to extend beyond the distance expressed in the licence.

21. Every person who shall have been allowed by the Commissioners to set up any scaffolding or deposit any bricks, stone, lime, sand, or other building materials on the public streets, and who shall not cause a light to be set up every night from sunset to sunrise on every such erection or obstruction.

22. Every person who shall build any wall, or erect any fence or obstruction, or set up any post so as to be an obstruction in any street, whether the proprietary right to such street shall be in dispute or not.

23. Every person who shall set out, place, or expose, or cause to be set out, placed, or exposed, whether for sale or otherwise any stall, booth, show-board, basket, cask, or meat, fish, vegetable, fruit, groceries, or any other merchandize or goods of any kind, or any stone, bricks, earthen-ware, hardware, timber, or any other thing whatsoever, whether animal, vegetable, or mineral, in or upon any of the public streets or in or over any drain, sewer or aqueduct.

24. Every person who shall sift or clean, or cause to be sifted or cleansed, or exposed for any other purpose any cotton, grain, seeds, rice, coffee, onions, or any other vegetable matter whatsoever, or who shall sift brick-dust or lime on any public street, or on or over any public drain, sewer, reservoir, or aqueduct.

25. Every person who shall keep or leave any carriage, cart, hackery, or other conveyance, or any horse, ox or other animal, on any public street or on or over any public drain, sewer, or aqueduct, so as to cause an obstruction in the streets or public thoroughfare.

26. Every person who shall set fire to or burn any straw, hay, seeds, timber, or any other matter, or light any bonfire or fire in any public street, or discharge any kind of fire-arms or any air-gun, or let off or throw any kind of fireworks or send up any fire-balloon any where in the said Town.

27. Every person who shall beat or sound any musical or sounding instrument, or any brass or metal utensil in the public streets, except at such times and places as shall be from time to time appointed by the Chief Magistrate upon application made to him for that purpose.

28. Every person, other than the said Commissioners or their servants, who shall affix any bill, notice, or any paper against or upon any building, wall, fence, or board, or who shall write upon, deface, or mark with chalk, or paint, or in any way whatsoever, any building, wall, fence, or board without the consent of the owner or occupier thereof.

29. Every person who shall expose or allow to be exposed within the limits of the said Town any animal, carcase, meat, poultry, game, flesh, fish, or vegetables in a decayed and unwholesome state and unfit for the food of man.

30. Every person who shall slaughter or cut up any beast, sheep, swine, or other animal in any public street or so near thereunto that any blood or filth or other matter from the same shall flow or be carried into such street.

31. Every person being the owner, occupier or farmer of any public market, bazar, or slaughter-house, who shall keep or allow the same to be kept in a filthy and unclean state, and shall refuse or neglect, after the expiration of two days' notice to be given by the said Commissioners or their Surveyor, Overseer, or Bazar Inspector, to cause such market, bazar, or slaughter-house to be properly cleansed and the filth thereof removed.

32. Every person who shall keep in any street, house, out-house, yard, or ground within the Town any swine or a flock of more than twenty sheep, goats or horned cattle.

XLII. It shall be lawful for the said Commissioners, with the concurrence of the Chief Magistrate, to set apart, at their discretion, certain of the public ghauts on the Calcutta bank of the river Hooghly for the purpose of being used as bathing places, and every person who shall by landing goods or merchandize at the said ghauts, or who shall by anchoring or otherwise fastening or keeping boats or vessels of any description in any manner obstruct or incommode the bathers at any such ghaut, shall be liable, on conviction before a Justice of the Peace, to a fine not exceeding fifty rupees, or, at the discretion of such Justice, to imprisonment for a period not exceeding one month.

XLIII. It shall be lawful for the said Commissioners, with the concurrence of the Chief Magistrate, at their discretion, to grant a licence to any person permitting him to put up posts on the side of any public street for the purpose of affixing thereon lamps to illuminate the said street on occasions of festivals or ceremonies; and any person who shall put up any such post, or affix any such lamp for any purpose, without license first had and obtained from the Commissioners under the hand of the Secretary or Surveyor, shall, on conviction thereof before a Justice of the Peace, be liable to a fine not exceeding one hundred rupees, and in default of payment, shall be imprisoned for any period not exceeding one month.

XLIV. Every person being the owner, occupier, or farmer of any public market, bazar, or slaughter-house within the Town, shall cause such market, bazar, or slaughter-house to be registered at the Office of the Commissioners, with a general description of the place, size, number of shops and stalls, and kinds of goods therein

exposed for sale; and if he shall refuse or neglect so to register the same he shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment thereof, shall be liable to be imprisoned for any period not exceeding one month.

XLV. No place shall be used or occupied as a slaughter-house, within the said Town, which was not in such use and occupation at the time of the passing of this Act, and has not so continued ever since, unless and until a licence for the erection thereof, or for the use and occupation thereof, as a slaughter-house has been obtained from the Commissioners, and every person who, without having first obtained such licence as aforesaid, shall use as a slaughter-house any place within the said limits not used as such at the time of the passing of this Act, and so continued to be used ever since, shall for every such offence forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding one month.

XLVI. Every person being the owner, occupier, or farmer of any market, bazar, tannery, or slaughter-house within the said Town is required to have such a number of drains therein as shall be considered sufficient by the Commissioners, and shall have all the floors and drains paved with stone or burnt brick, and he shall have also therein a supply of water sufficient in the judgment of the Commissioners to keep the whole place in a clean and wholesome state at all times, and in default thereof for four weeks after notice given to him by the Surveyor, Overseer, or Inspector of Markets that such market, bazar, tannery, or slaughter-house is defective in any of the said particulars, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding two months.

XLVII. Any person who, after the passing of this Act, shall establish any new tannery or other manufactory within the said Town, from which an offensive or unwholesome smell may arise, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding two hundred rupees, and in default of payment shall be liable to be imprisoned for any term not exceeding two months.

XLVIII. All doors and gates put up after the passing of this Act within the limits of the said Town, and which open upon any street, shall be hung or placed so as not to open outwards; and if any such door or gate be hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do the Commissioners may make such alteration, and the expenses of such alteration shall be paid to the Commissioners by such occupier, and shall be recoverable from him in manner hereafter mentioned. And if any such door or gate was before the passing of this Act hung so as to open outwards upon any street, the Commissioners may alter the same, or cause the

same to be altered, so that no part thereof when open shall project over any public way.

**XLIX.** Every person being the owner or occupier of a house in the Town shall fix at his own expense, in a conspicuous place outside of the house or of his gate, in the street, the number of the same as recorded in the assessment books, and no other number, and the said number shall be in legible figures at least three inches in length, and any person who, after the expiration of three months after the publication of this Act, shall neglect or refuse to have such number affixed, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding fifty rupees.

**L.** Every person being the occupier of a house in the said Town, and rated at a gross monthly rental of rupees seventy and upwards for the same, shall fix, at his own expense, in a conspicuous place outside of his house, or if the said house be in a compound, outside of his gate, in the street, a lamp, of a pattern to be approved or allowed by the Commissioners, and the said occupier shall keep and maintain a good and sufficient light burning in the said lamp throughout the night, and any person who, after the expiration of three months next after the passing of this Act, shall neglect or refuse to have such lamp affixed as aforesaid, or who shall on any night after the expiration of the said three months, neglect or refuse to keep a good and sufficient light burning therein as aforesaid, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding one hundred rupees.

**LI.** When any person shall have been convicted under the provisions of this Act, and shall not, within seven days after such conviction, discontinue the nuisance or cease to commit the offence for which he was so convicted, such person shall be again liable to the penalties and punishments provided by this Act for such nuisance or offence, and may be again convicted or sentenced under this Act accordingly, and in cases where by the provisions of this Act offenders are required to have notice given them to remove the obstruction or nuisance previous to being liable to the penalties imposed by this Act, if such parties being once warned shall be convicted, and shall again offend against the provisions of this Act, it shall not be necessary to repeat the notice aforesaid, but the parties may be summoned at once.

**LII.** Any person who shall wilfully obstruct or molest the said Commissioners or any of them, or their Secretary, Surveyor, or other Officer or Workman employed by them under the provisions of this Act, or any person or company with whom they may have contracted under the provisions of this Act, or any person employed by them in the performance or execution of any duty or thing which they are respectively required or authorized to do under this Act, shall for every such offence, on conviction before a Justice of the Peace, forfeit and pay any sum not exceeding one hundred rupees, or, in the discretion of the said Justice before whom he is convicted, to imprisonment with or without hard labor for a period not exceeding three months.

**LIII.** No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act for any offence complained of before a Justice of the Peace, unless the complaint respecting such offence

shall have been made before such Justice within three months next after the commission of such offence. Provided always that nothing in this Section contained shall be construed so as to prevent the removal at any time of any obstruction or encroachment in or upon any of the streets or lands or the imposing or levying at any time of any penalty or forfeiture in respect thereof.

**LIV.** In all cases where any damages, costs, or expenses are by this Act directed to be paid, and the method of ascertaining the amount or of enforcing the paying thereof is not provided for, such amount in case of dispute shall be ascertained and determined by arbitration, in like manner as is provided for proceeding by arbitration under Act No. XXII. of 1847, and if the parties cannot agree upon two persons or arbitrators, or the arbitrators fail to pronounce their award as aforesaid, then by any two Justices of Calcutta, and if the amount so ascertained be not paid by the said Commissioners or by the other party liable to pay the same, as the case may be, within seven days after demand thereof, the amount may be recovered by action of debt or on the case in Her Majesty's Supreme Court of Judicature or the Calcutta Court of Small Causes.

**LV.** The said Commissioners shall publish short particulars of the several offences for which any penalty or punishment is imposed by this Act, affecting other persons than officers or servants of the said Commissioners, and of the amount of every such penalty and punishment, and shall cause such particulars to be painted on a board, or to be printed upon paper and posted on a board in English and Bengallee, and shall cause such board to be hung up or affixed in some conspicuous place in the Office of the Secretary of the said Commissioners, and when any such penalties are of local application shall cause such boards to be affixed in some conspicuous place of the immediate neighbourhood to which such penalties are applicable or have reference.

**LVI.** Every penalty or forfeiture imposed by this Act, or any expense incurred by the said Commissioners in respect of any private drains, sewers, doors, or other things as aforesaid, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before any Justice of the Peace of Calcutta, and on complaint being made to any such Justice, he shall issue his summons requiring the party complained against to appear before him at a time and place to be named in such summons, and every such summons shall be served on the party offending, either in person or by leaving the same at his usual or last known place of abode, and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for such Justice to proceed to the hearing of the complaint, which complaint shall be reduced to writing, and upon proof of the offence, or of the expense having been incurred, either by the confession of the party complained against or upon the oath or solemn affirmation of one credible witness or more, it shall be lawful for such Justice to convict the offender or party summoned as aforesaid, and upon such conviction to adjudge the offender to pay the penalty, or forfeiture, or suffer the punishment, or to pay the expense incurred under the provisions of this Act, as well as such costs attending the conviction as



such Justice shall think fit, which penalty or forfeiture and costs so adjudged may be levied by distress.

**LVII.** Where in this Act any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such sum of money and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained, or instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any penalties, forfeitures or expenses imposed or incurred under the provisions of this Act, the Commissioners or any one or more of them, if they think fit, may authorize their Secretary or other person to sue the person liable to pay such penalty, forfeiture, or expenses or any part thereof in the Calcutta Court of Small Causes; and the costs, if any, incurred in any such suit which are not recovered in the suit, may be defrayed out of the taxes levied under the provisions of Act X. of 1852.

**LVIII.** No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action on the case in Her Majesty's said Supreme Court, or in the Calcutta Court of Small Causes.

**LIX.** The Justice of the Peace by whom any such penalty or forfeiture shall be imposed may, when the application thereof is not otherwise provided for, award not more than one-half thereof or any less sum to the informer, if he shall think fit so to do, and shall award the remainder or the whole thereof to the said Commissioners, to be by them applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the Secretary of the said Commissioners for that purpose, whose receipt shall be a good and sufficient discharge to the person so paying the same.

**LX.** If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and if the amount of such damage shall not be paid on demand, the same may be recovered by action of debt, or on the case, in the Calcutta Court of Small Causes, or in Her Majesty's said Supreme Court of Judicature.

**LXI.** It shall be lawful for any Justice of the Peace to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction under the provisions of this Act, at a time and place to be mentioned in such summons, and require from him on oath or solemn affirmation—that he will

testify the truth in such matter; and if any person so summoned shall without reasonable cause refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, if from distance or any other cause he shall be lawfully entitled to claim such expenses, or if any person appearing shall refuse to be examined on his oath or solemn affirmation according to law, or to give evidence before such Justice, every such person shall for every such offence forfeit and pay a sum not exceeding two hundred rupees, or at the discretion of such Justice shall be imprisoned for any term not exceeding one month.

**LXII.** The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction: (that is to say,) words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender only shall include females; the word "person" shall include corporations whether aggregate or sole; the words "oath," "affirmation," and "solemn affirmation," when used alone, shall include oath or affirmation or other declaration lawfully substituted for an oath in such case by any legislative Act of the Governor General of India in Council, or by any Act of the Parliament of Great Britain extended to India; the word "street" shall include any public square, circus, street, court, alley, foot-path, highway, lane, road, thoroughfare, public passage, or other public place within the said Town; the word "lands" shall include messuages, buildings, walls, tenements, and hereditaments of any tenure as well as lands; the words "the said Commissioners" shall mean the Commissioners for the time being appointed or acting under the provisions of Act No. X. of 1852, and the word "month" shall mean calendar month.

FRED. JAS. HALLIDAY,  
Secy. to the Govt. of India.

Fort William, Home Department, Legislative,  
the 13th February 1852.

The following Draft of a proposed Act was read in Council for the first time on the 13th of February 1852:

Act No. — or 1852.

*An Act for the abolition of the Poll Tax, and for levying a tax on lands covered by dwelling-houses in Akyah and Kyook Phyon in Arracan.*

Whereas it is expedient to abolish the Poll Tax now levied within the Towns of Akyah and Kyook Phyon in the Province of Arracan, and instead thereof, to levy a tax upon land covered by dwelling-houses within the said Towns, It is enacted as follows:

I. From and after the day of 1852, the levy of a Poll Tax, within the Towns of Akyah and Kyook Phyon, in the Province of Arracan shall cease.

II. From and after the said day of 1852 the Commissioner in Arracan for the time being, shall from time to time, as he shall think fit, make an assessment on the owners of land covered by dwelling-houses within the Towns of Akyah and Kyook Phyon at the rate of one pie and a half a year for every square cubit of land

covered by such dwelling-houses, and the amount of the said assessment shall be payable by the owners or occupiers of such lands by half-yearly payments of a moiety of the same, and the said half-yearly payments shall be made in advance, that is to say, at the commencement of each half-year in respect of which the same is due.

III. In case of non-payment of the amount of the said assessment, or any part thereof, within eight days after the same shall have been demanded from the owner or occupier aforesaid by the said Commissioner or other Officer appointed by the Commissioner to collect the amount of the said assessment, it shall be lawful for the said Commissioner, or other Officer as aforesaid, to levy the same by distress and sale of the goods and chattels to whomsoever belonging found in or upon the lands so assessed or the dwelling-house thereon, and in case the amount of the said assessment or any part thereof, shall be paid by any tenant or occupier, or the same is levied by seizure and sale of his goods and chattels, such tenant or occupier may deduct the amount of the payment or levy from the following payments of his rent to his landlord.

IV. The Government of Bengal may at its discretion exempt any building from assessment.

V. No assessment made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to assessment or of anything chargeable with assessment, provided the directions of this Act be in substance and effect complied with, and no proceedings or other matter or thing had or done under this Act shall be quashed or set aside for want of form or error of procedure in any Court of Justice, but only on the merits.

VI. For the purposes of this Act the following shall be the boundaries of the Towns of Akyab and Kyook Phyoo, viz.:

The boundaries of Akyab.—To the North the Charongya Creek. To the West the said Creek and a Road running West and South until it joins the Bund called Morton's Bund, which leads down to the Sea-shore. To the South the Sea. To the East the Akyab River and Harbour.

The boundaries of Kyook Phyoo.—To the North the Sea. To the East Oon Khyoung or Salt Gulah Creek. To the West the Cantonments. To the South Kulabadong Lands, Kungyeendun Village, and Nga Tsoung's Grant.

Ordered, that the Draft now read be published for general information.

Ordered, that the said Draft be re-considered at the first Meeting of the Legislative Council of India, after the 13th day of April next.

FRED. JAB. HALLIDAY,

Secy. to the Govt. of India.

Fort William, Home Department, Legislative,  
the 20th February 1852.

The following Extract from the Proceedings of the Governor General of India in Council, in the Legislative Branch of the Home Department, under date the 20th February 1852, is published for general information:

Read a second time the Draft of a proposed Act, dated the 28th November 1851, and published in the *Calcutta Gazette* of the 3rd December 1851, to amend the mode of procedure in the Courts of the Sudder Ameens and Moonsiffs.

*Resolution.*—The Governor General in Council resolves, that the following amended Draft on the subject be published for general information:

Act No. — of 1852.

*An Act to amend the mode of procedure in the Courts of the Sudder Ameens and Moonsiffs in the Bengal Presidency.*

Whereas it is desirable that the mode of procedure in original suits in the Courts of the Sudder Ameens and Moonsiffs should be assimilated to the mode of procedure in such suits in the Courts of the Judges and Principal Sudder Ameens, It is hereby enacted as follows:

I. Sections XIX., XXI., XXII., XXIV., XXVII., XXIX., XXXV., XXXVII., and Clauses 1, 2, 3 and 5 of Section XXV., and Section LXXIII., so far as it extends Clauses 1, 2, 3 and 5 of Section XXV. and Section XXXV. to Sudder Ameens, of Regulation XXIII. of 1814, and Clause 5, Section V., Clause 3, Section XV., of Regulation V. of 1831, and so much of Clause 3, Section VIII. of the said Regulation V. of 1831, as relates to the Clauses and Sections of Regulation XXIII. of 1814, hereinbefore mentioned, and Section VI. of the said Regulation V. of 1831, except in so far as it rescinds Sections LVII., LVIII., and LIX., of Regulation XXIII. of 1814, all of the Bengal Code, are hereby repealed.

II. All laws and rules now in force relating to the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Judges and Principal Sudder Ameens, shall also apply to and regulate the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Sudder Ameens and Moonsiffs.

III. Sections XIII. and XXI. of Regulation III. of 1793, Sections VII. and XL, Regulation VII. of 1795, Sections XVII. and XIX., Regulation II. of 1803, Sections VIII. and IX. of Regulation VII. of 1832 of the Bengal Code, as extended by Act XXI. of 1850 shall be applicable to suits and cases in the Courts of the Moonsiffs. Clause 2, Section IV., Regulation XXVI. of 1814 of the said Code, relating to reviews of judgment shall also be applicable to the Courts of Sudder Ameens and Moonsiffs. Provided always that if a Sudder Ameen or Moonsiff shall be of opinion that a review of his judgment ought to be granted, he shall report the case to the Judge, who is hereby authorized to permit such review under the same rules as are prescribed by the existing Regulations with respect to similar applications to the Court of Sudder Dewanny Adawlut.

IV. Every Sudder Ameen and Moonsiff shall have power and authority to try suits in which any Vakeel or Officer of his Court is a party, anything in Section VIII., Act VI. of 1843, and in Clause 2, Section XV., Regulation V. of 1831 to the contrary notwithstanding; and suits under Clause 1, Section XXX., Regulation II. of 1819 of the Bengal Code, may be referred to them by the Zillah Judge for trial and decision under the restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section V., and Clause 2, Section XV., Regulation V. of 1831.

V. Nothing in this Act contained shall be construed so as to repeal or otherwise affect the rules regarding the dispensing with the use of stamp paper on certain documents in the Courts of the Moonsiffs contained in Clause 2, Section

IX., Regulation V. of 1831, or the rules for procuring the attendance of witnesses in the Courts of the Moonsiffs contained in Section II., Act XVII. of 1845.

VI. Applicants for execution of decrees may file with their petitions an authenticated copy of the decree of which execution is sought to be taken out, and in such case it shall not be necessary to compare the petition with the decree contained in the original record of the suit, anything in Clause 7, Section XV. Regulation XXVI. of 1814 to the contrary notwithstanding.

VII. Original suits referred to a Sudder Ameen under Clause 2, Section XV., Regulation V. of 1831, shall be tried and determined in conformity with the Provisions of Regulation XXIII. of 1814, and of this Act, any thing in Clause 3, Section XV., Regulation V. of 1831, to the contrary notwithstanding.

VIII. Nothing in this Act contained shall be construed to affect the mode of procedure in any case pending in the Courts of the Sudder Ameen and Moonsiffs at the time of the passing of this Act, but the mode of procedure in all such cases shall be governed by the law in force previous to the passing of this Act.

Ordered, that the Draft now read be re-considered at the first Meeting of the Legislative Council of India, after the 20th day of April 1852.

FRED. JAS. HALLIDAY,  
Secy. to the Govt. of India.

*General Orders by the Most Noble the Governor General of India in Council.*

*Camp Benares, 26th January 1852.*

The following Notifications, from the Foreign Department, are re-published in General Orders :

No. 301.

*Foreign Department,*

*Camp Rajake-Tulao, the 24th January 1852.*

NOTIFICATION.—The Most Noble the Governor General is pleased to grant Lieutenant J. M. Mackenzie, Officiating Adjutant of the 3rd Regiment Punjaub Cavalry, leave of absence, for one year, under Medical Certificate, from the 12th of October last, for the purpose of visiting Simla and the Hills North of Dehra.

No. 311.

*Foreign Department,*

*Camp Benares, 26th January, 1852.*

NOTIFICATION.—The Governor General is pleased to make the following Appointments in the Chandeyree District :—

Captain C. J. Richardson to be Superintendent,  
Captain R. W. Elton, Assistant Superintendent,  
from the dates on which they may respectively arrive at Lullutpore.

(Signed) H. M. ELLIOT,  
Secy. to the Govt. of India,  
with the Govr. Genl.

FRED. D. ATKINSON, Capt.,  
Assist. Secy. to the Govt. of India, Milly. Dept.,  
with the Govr. Genl.

No. 296.

*Fort William, Foreign Department,  
The 20th February 1852.*

NOTIFICATIONS. — Lieutenant H. M. Elliott, of the 5th Regiment Madras Light Cavalry, resumed charge of the office of Junior Assistant to the Commissioner of Mysore, on the 27th ultimo.

No. 297.

The Most Noble the Governor General in Council is pleased to appoint Dr. O'Brien, Surgeon of the 4th Regiment Scindia's Contingent, to be Assistant Superintendent of Chundeyree, in addition to his Medical duties.

Major Richardson, Commanding 4th Regiment Scindia's Contingent, received charge of the Office of Superintendent of the Chundeyree District, on the 19th ultimo, from Major Harris.

No. 320.

The Most Noble the Governor General in Council is pleased to appoint Assistant Surgeon James Donaldson, M. D., of the Madras Establishment, to the Medical Branch of His Highness the Nizam's Army.

No. 327.

The Most Noble the Governor General in Council is pleased to make the following transfer in Scindia's Contingent:

Captain A. W. Hawkins, of Artillery, Captain Commandant, No. 4, Light Field Battery of the Contingent, is transferred to No. 1 Light Field Battery, vice Lieutenant W. Olpherts, resigned.

No. 344.

With reference to G. O. G. G., dated the 11th November 1851, No. 3478, the Most Noble the Governor General in Council is pleased to grant an extension of leave of absence from the 10th instant to the 10th proximo, to Mr. W. C. Wood, Extra Assistant at Dehra Ghazee Khan.

No. 356 of 1852.

Lieutenant Colonel H. C. Rawlinson, C. B., Political Agent in Turkish Arabia, resumed charge of his office on the 1st December 1851.

No. 363.

The following additional Notification of Blockade issued by Commodore G. R. Lambert, under authority from the Government of India, is published for general information :

*Additional Notification.*

The Baragu River and other outlets of the Irrawaddy are included in the Blockade declared by me on the 6th instant.

Given under my hand on board Her Britannic Majesty's Steam Sloop "Hermes," in the Basien River, the 25th of January 1852.

(Signed) G. R. LAMBERT,  
Commodore in Her  
Britannic Majesty's Navy.

By order of the Most Noble the Governor General of India in Council,

EDW. THOMAS,  
Offg. Under-Secy. to the Govt. of India.

No. 12.

*Judicial Department.*

The Most Noble the Governor General in Council is pleased to appoint Captain A. H. M.



Chenney, of the 23rd Regiment Madras Light Infantry, to be a 3rd Class Deputy Commissioner in the Saugor and Nerbudda Territories.

EDW. THOMAS,

*Offg. under Secy. to the Govt. of India.*

No. 157.

Fort William, Home Department,  
the 23rd February 1852.

**NOTIFICATIONS.**—Mr. Charles Fergusson Thompson's resignation of the East India Company's Civil Service, will date from the 25th February. This cancels the notice published in the *Calcutta Gazette* of the 31st ultimo, page 200.

No. 166.

The 24th February 1852.

The Most Noble the Governor General in Council is pleased to attach Mr. P. Malcolm, of the Civil Service, reported qualified for the public service, to the North-Western Provinces.

No. 172

The Most Noble the Governor General in Council is pleased to permit Mr. J. P. Gubbins to resign the East India Company's Civil Service from the 9th proximo.

FRED. JAS. HALLIDAY,

*Secy. to the Govt. of India.*

No. 158.

Fort William, Home Department, Ecclesiastical,  
the 23rd February 1852.

**NOTIFICATION.**—The Most Noble the Governor General in Council is pleased to place the services of the Reverend F. Fisher, Assistant Chaplain, at the disposal of the Hon'ble the Lieutenant Governor of the North-Western Provinces.

FRED. JAS. HALLIDAY,

*Secy. to the Govt. of India.*

No. 415.

Orders by the Most Noble the Governor of Bengal.

**Appointments.**—The 16th February 1852.—

Mr. R. H. Russell to officiate as Joint Magistrate and Deputy Collector of Bograh, during the absence of Mr. R. P. Harrison, or until further orders.

The 19th February 1852.—Mr. F. A. B. Glover to officiate as Joint Magistrate and Deputy Collector of Chumparun, during the absence of Mr. R. H. Russell, or until further orders.

Mr. J. R. Muspratt to be Magistrate of Chittagong from the 10th instant.

Mr. R. O. Heywood to be a Joint Magistrate and Deputy Collector of the 2nd grade in the District of Bhagulpore from the same date.

Mr. G. A. Pepper to be an Assistant to the Magistrate, Collector and Salt Agent of Pooree, and to exercise the special powers described in Clause 3, Section II. Regulation III. of 1821 and Section XXI. Regulation VIII. of 1831.

Mr. C. W. Mackillop to be in charge of the Sub-Division of Munglepore. Mr. Mackillop is vested with the powers of a Joint Magistrate and Deputy Collector in the District of Bancoorah, which he will exercise within the Sub-Division of Munglepore, but he will officiate as Magistrate of Beerbhoom during the absence of Mr. F. A. E. Dalrymple, or until further orders.

Moulvee Nazirooddeen Mahomed, Sudder Ameen and Moonisiff of Chittagong, to be Sud-

der Ameen of Mymensing and Moonisiff of the Sudder Station of that District.

Moulvee Ameerooddeen Mahomed, Sudder Ameen and Moonisiff of Mymensing, to be Sudder Ameen of Chittagong and Moonisiff of the Sudder Station of that District.

The 21st February 1852.—Mr. C. Steer to officiate as Additional Judge of Dacca during the absence of Mr. R. Trotter, or until further orders.

Mr. J. S. Torrens to officiate as Civil and Sessions Judge of Hobghly, with the powers of a Special Commissioner under Regulation III. of 1828, during the absence of Mr. T. Bruce, or until further orders.

The 23rd February 1852.—Roy Hurrochunder Ghose to be a Calcutta Police Magistrate.

**Leave of Absence.**—The 18th February 1852.

—Mr. H. T. Raikes, Officiating Commissioner of the Dacca Division, for ten days under Section XI. of the Amended Absentee Rules.

The 19th February 1852.—Mr. R. Trotter, Additional Judge of Dacca, for two months and a half, under Section XII. of the Amended Absentee Rules, preparatory to resigning the Public Service.

Mr. H. D. H. Fergusson, Magistrate of Patna and now Officiating Collector of Monghyr, for fifteen days, under Section XII. of the Amended Absentee Rules.

Mr. W. T. Law, Superintendent of the Calcutta Police, for one week, on private affairs.

Moulvee Ahmed, Law Officer of the 24-Per-gunnahs, for two months, on private affairs.

Baboo Juggernauth, Moonisiff, with the powers of a Sudder Ameen, at Burpittah in Kamroop, from the 17th instant to the 1st proximo, on private affairs.

Mr. W. Craddock, Civil Assistant Surgeon of Beerbhoom, for fifteen days, on private affairs, in extension of the leave granted to him in Orders of the 12th December last.

The unexpired portion of the leave of absence granted to Baboo Panchanund Banerjee, Officiating 2nd Additional Principal Sudder Ameen of Chittagong, in Orders of the 19th November last, has been cancelled from the 5th instant, the date on which he returned to his duties.

**Notification.**—The 24th February 1852.—Mr. F. Lowth received charge of the office of Civil and Sessions Judge, of Purneah from Moulvee Rooknooddeen, Principal Sudder Ameen of the District, on the 14th instant.

Mr. F. W. Russell received charge of the Chittagong Salt Agency from Mr. R. Ince on the 16th instant.

Mr. A. Ogilvie, Collector of Beerbhoom, made over charge of his office to Mr. T. C. Loch on the 16th instant.

Mr. R. B. Garrett received charge of the office of Civil and Sessions Judge of Beerbhoom from Roy Govindchund Chowdree, Officiating Principal Sudder Ameen of the District, on the 17th instant.

Mr. C. S. Belli, Joint Magistrate and Deputy Collector of the 2nd Grade in the District of Jessore, joined his Station on the 16th instant.

Messrs. H. F. James and W. M. Dirom, of the Civil Service, reported their departure to Sea on the Ship "Trafalgar," which Vessel was left by the Pilot on the 21st instant.

By Order of the Most Noble the Governor of Bengal.

J. P. GRANT,

*Secy. to the Govt. of Bengal.*

No. 670 of 1852.

*Orders by the Hon'ble the Lieutenant Governor of the North-Western Provinces.*

*Judicial Department,*

*Agra, the 17th February 1852.*

*Appointments.*—Mr. Charles Walter Kinloch to be Civil and Sessions Judge of Allahabad.

*Judicial and Revenue Department,*

Mr. George Edmonstone, Junior, to be Magistrate and Collector of Futtehpoor.

Mr. William Jennings Bramley to be Joint Magistrate and Deputy Collector of Putteealee, but to officiate, till further orders, as Joint Magistrate and Deputy Collector of Boolundshahur.

Mr. John Strachey to be a Senior Assistant to the Commissioner of Kumaon.

The above Appointments are to have effect from the date of Mr. A. Lang's resignation of the Service.

No. 693 of 1852.

*Judicial Department,*

*Agra, the 18th February 1852.*

*Appointments.*—Mr. David Robertson to be Civil and Sessions Judge of Azim Gurh, but to continue, until further orders, to officiate as Judge of Bareilly.

Mr. George Davy Raikes to be Additional Judge of Bareilly.

*Judicial and Revenue Department.*

Mr. Henry Lushington, Junior, to be Joint Magistrate and Deputy Collector of Furruckabad.

The above Appointments are to have effect from the date on which Mr. J. S. Clarke resigns the Service.

No. 695 of 1852.

*Judicial Department.*

*Leave of Absence.*—Mr. W. P. Masson, Civil and Sessions Judge of Goruckpoor, for one month, under Section XI. of the Absentee Rules, from the date on which he makes over charge of his office to the Principal Sudder Ameen.

No. 705 of 1852.

*Agra, the 19th February 1852.*

*Leave of Absence.*—Captain H. Ramsay, Senior Assistant, Kumaon Proper, for twelve days, under Section XI. of the Absentee Rules, from the date of quitting his Station.

No. 716 of 1852.

*Leave of Absence.*—Moulvee Mahomed Ruzzeoodden, Principal Sudder Ameen of Allygurh, for seven days, on private affairs, from the date of quitting office.

*Appointment.*—Sheikh Momin Ally, Sudder Ameen of Allygurh, to conduct the current duties of the Principal Sudder Ameen's Office, during the above period.

No. 698 of 1852.

*Judicial and Revenue Department,*

*Agra, the 18th February 1852.*

*Leave of Absence.*—Mr. G. P. Money, Joint Magistrate and Deputy Collector of Cawnpoor, for fifteen days, under Section XII. of the Amend-

ed Absentee Rules, in extension of the leave granted to him in Orders of the 8th November last.

No. 732 of 1852.

*Agra.—The 20th February 1852.*

*Appointment.*—Mr. H. W. Dashwood to be an Assistant in the Allahabad Division.

No. 734 of 1852.

*Appointment.*—Mr. W. Balmain to officiate as Joint Magistrate and Deputy Collector of Delhi from the date on which, under the instructions of the Commissioner of Delhi, he took charge of those Offices.

No. 736 of 1852.

*Leave of Absence.*—Mr. Charles Raikes, Magistrate and Collector of Mynpoory, for 22 days under Section XII. of the Amended Absentee Rules, in extension of the leave granted in Orders of the 29th December last.

No. 745 of 1852.

*Appointment.*—Mr. A. R. S. Pollock to be an Assistant in the Benares Division.

W. MUIR,

*Secy. to Govt., N. W. P.*

*General Orders by the Most Noble the Governor General of India in Council.*

*Fort William, 20th February 1852.*

No. 136 of 1852.—The following Military Letter, No. 141, from the Hon'ble the Court of Directors to the Governor of the Presidency of Fort William in Bengal, dated 17th December 1851, is published for general information:

MILITARY DEPARTMENT,

No. 141 of 1851.

*Our Governor of the Presidency of Fort William in Bengal.*

Para. 1.—We have received your Military Letter, dated 3rd September 1851, forwarding your reply to our reference on the subject of Mr. Christopher G. Fagan's Memorial, praying to be restored to the Service, in which it is stated that His Excellency the Commander-in-Chief trusts he may be excused from pronouncing an opinion on the matter; but that the Governor General has recorded his opinion that the evidence on the trial did not convict Mr. Fagan of dishonor. In the sentiments expressed by the Governor General the other Members of Council concur.

2. We have given our most careful and attentive consideration to the proceedings of the Court Martial held on Captain Fagan in March 1850, to the representations addressed by him to us, and to the reply of your Government to our reference, calling for your sentiments on the prayer of his Memorial, and more especially to the Minute of the Governor General, dated 4th August 1851, in which His Lordship, after a review of the whole of the evidence, states his opinion that Captain Fagan was innocent of conduct unbecoming the character of an Officer and a Gentleman in the transactions which formed the subject of his trial.

3. We have now to announce to you, that we have resolved to restore Captain Fagan to his rank and standing in the 8th Regiment of Light

Cavalry from the 3rd instant, the date of our Resolution to this effect.

4. This Resolution has been approved by the Board of Commissioners for the Affairs of India, in conformity with the Act of the 53rd Geo. III., Cap 155, Sec. 83.

We are, &c.,  
(Signed) JOHN SHEPHERD,  
and 13 other Directors.

London, 17th December 1851.

J. S. BANKS,  
Deputy Secy. to the Govt. of India,  
Mily. Dept.

Town Major's Office,  
Fort William, 23rd February 1852.

MEMORANDUM.—From Thursday the 26th instant, the St. George's Gate will be closed until further orders, during the time the necessary repairs are being made to the main Bridge.

During the period the St. George's Gate may remain shut, the Water Gate will be available for the exit and entrance of Carriages.

H. P. BURN,  
Town Major.

NOTICE.—Mean Time was this day shown to the Shipping in the River from the Semaphore Tower in the Fort, Two Seconds (2s.) before Mean Noon.

Fort William, 20th February 1852.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Half a Second (½s.) before Mean Noon.

H. P. BURN,  
Town Major.

Fort William, 21st February 1852.

NOTICE.—The General Treasury will be closed on Saturday the 6th and Monday the 8th proximo, on account of the Hindoo Holidays Dole Jattrā.

J. I. HARVEY, Sub-Treasurer.  
General Treasury, the 24th February 1852.

#### General Post Office Notifications.

Export Overland Mail per P. and O. Co.'s Steamer "Hindustan," direct from Calcutta.

NOTICE is hereby given, for general information, that the Mails for Suez and the intermediate Ports, (Madras, Ceylon, Aden, Penang, Singapore and Hong kong,) intended for transmission by the Peninsular and Oriental Company's Steam-vessel "Hindustan," will be closed at this Office on Saturday the 6th Proximo, and that an After-Packet will be despatched hence on Monday, the 8th idem, with the ordinary Mail, to ensure its arrival at Kedgerree, in time to reach the Steamer. The public are particularly requested to observe that no Letters for the "Hindustan" can be received after 3 P. M. of that date.

J. R. BURLTON BENNETT,  
Deputy Post Master General, in Charge.  
Fort William, Genl. Post Office, }  
The 13th February 1852. }

NOTICE.—The subjoined copy of a letter, No. 12827, dated 28th April last, from the Secretary to Her Majesty's General Post Office, London, is published for general information.

J. R. BURLTON BENNETT,  
Deputy Post Master General, in Charge.  
Calcutta, Genl. Post Office, }  
The 30th June, 1851. }

Colonial. No. 12827.

General Post Office, 26th April, 1851.

SIR,—Referring to your letter of the 6th ultimo on the subject of the New Postal Convention between Great Britain and the United States, I beg to acquaint you, that letters arriving in this Country from India, addressed to the United States, can be sent forward to their destination, leaving the British Postage chargeable for their conveyance, to be paid by the persons to whom they are addressed.

I am, &c.,  
(Sd.) W. L. MABERLY.

The Post Master General, Calcutta.

(True Copy.)

J. R. BURLTON BENNETT,  
Deputy Post Master General, in Charge.

NOTICE.—The subjoined copy of a Despatch No. 29 of 1851, from the Honorable the Court of Directors, dated the 24th September, forwarded to this Office by the Government of Bengal, is published for general information.

J. R. B. BENNETT,  
Deputy Post Master General,  
in Charge.  
Calcutta, General Post Office, }  
the 8th November, 1851. }

#### PUBLIC DEPARTMENT, No. 29 of 1851.

Our Governor of the Presidency of Fort William in Bengal.

1st. We have been informed, by direction of Her Majesty's Post Master General, under date the 18th instant, that "His Lordship has obtained the authority of the Treasury to despatch in future from the General Post Office in London the Mail for India *via* Marseilles on the evening of the 8th of the month, instead of the 7th as hitherto, except on the occasions of the 8th falling on a Sunday, when the Mail will be despatched on the evening of the following day, and that this arrangement will come into operation with the Mail of the 8th proximo."

2nd. You will be careful, that the several Post Masters under your Presidency are duly advised of this alteration which we have by the present Mail notified to our Agents at Aden and in Egypt.

We are, &c.,  
(Signed) JOHN SHEPHERD,  
and 12 other Directors.

London, the 24th September, 1851.

(True Copy.)  
(Signed) W. SETON-KARR,  
Under Secy. to the Govt. of Bengal.  
(True Copy.)  
J. R. B. BENNETT,  
Deputy Post Master General, in Charge.



IT is hereby notified that, unless marked for particular Ships, all Letters received at the General Post Office between Monday the 16th February 1852 and Sunday the 22nd February, both dates inclusive, were despatched by the undermentioned Vessels, which sailed from Calcutta on dates specified :—

Letters received on Dates from and to	By what Ships despatched.	Bound to	Remarks.
16th and 17th Feb. 1852,	Steamer "Shanghai," ...	Penang, Singapore & China,	Left Town on the 18th Feb. 1852.
16th ditto, .....	Ship "Tennasserim," ...	Mauritius, .....	Ditto on the 17th ditto.
16th and 17th ditto, .....	"Forbes," .....	Ditto, .....	Ditto on the 18th ditto.
18th to 22nd ditto, .....	"Charlotte," .....	Ditto, .....	Ditto on the 24th ditto.
16th and 17th ditto, .....	"Prince of Wales," .....	Capé and London, .....	Ditto on the 18th ditto.
16th and 18th ditto, .....	"Trafulgar," .....	Ditto, .....	Ditto on the 19th ditto.
16th to 18th ditto, .....	"Blenheim," .....	London, .....	Ditto on the 19th ditto.
16th to 22nd ditto, .....	"Ripulma Anna Maria,"	Moulmein, .....	Will sail on the 25th ditto.

J. R. BURLTON BENNETT, Deputy Post Master General.

Calcutta, Genl. Post Office, 24th February 1852.

NOTICE.—The Cart conveying the Mails for the North Western Provinces was attacked by Dacoits on the 23rd ultimo, while in transit between the Arrah and Benares Districts, at about a Mile East of Sunna Dāk Chokee, and the Mails carried off. The Mails have all been recovered, with the exception of the Sherghotty Wallet of that date for Benares, which contained the undermentioned Packets:—

- 5 Packets from Gynh for Benares.
- 1 Packet from Dum Dum for Ditto.
- 1 Ditto from Chandernagore for Ditto.
- 1 Ditto from Bogodhur for Ditto.
- 1 Ditto from Mungulpore for Ditto.
- 1 Ditto from Burdwan for Ditto.
- 2 Packets from Sherghotty to Ditto.

J. R. BURLTON BENNETT,  
Deputy Post Master General,

Calcutta, Genl. Post Office, } in Charge.  
the 5th January 1852. }

OPIUM NOTIFICATION.—Notice is hereby given, that the Third Sale of Opium, the Provision of 1850-51, will be held at the Exchange Hall, on Wednesday, the 10th March 1852, at 11 A. M., and will comprise 2,800 Chests, viz.:

Behar Opium,..... 1,920  
Benares Ditto, ..... 880

Total Chests,... 2,800

2. The general conditions of the sale now advertised will be the same as usual. They may be ascertained by reference to the Notification issued on the 5th November 1851, and published in the Calcutta and Exchange Gazettes, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 16th and 25th March 1852, respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper, or other Public Securities that may be tendered for Deposit in redemption of Promissory Notes given by purchasers at the Sale, will be received after 4 P. M. of Tuesday, the 16th March 1852; and no Treasury Receipts in full payment of lots will be accepted after 4 P. M. of Thursday, the 25th March 1852.

4. In addition to the quantity above advertised for Sale, the following quantities, more or less, of Behar and Benares Opium of 1850-51, will be

brought to Sale in the present year on or about the dates specified below:

	Behar, about Chests.	Benares, about Chests.	Total, about Chests.
On or about Monday, } 12th April 1852,..... }	1920	880	2800
On or about Monday, } 10th May 1852, .....	1920	880	2800
On or about Thursday, } 10th June 1852, .....	1920	880	2800
On or about Monday, } 12th July 1852, .....	1920	880	2800
On or about Tuesday, } 10th August 1852, ... }	1920	880	2800
On or about Friday, } 10th September 1852, }	1920	880	2800
On or about Monday, } 11th October 1852,...	1920	880	2800
On or about Wednesday, } 10th November 1852, }	1920	880	2800
On or about Friday, } 10th December 1852, }	1892	869	2761
	17252	7909	25161

By order of the Board of Revenue, Fort William, the 21st February 1852,

CECIL BEADON, Junior Secretary.

COMMISSARIAT NOTICE.—Sealed Tenders will be received at the Executive Commissariat Office, Dinapore, up to 4 P. M. of the 12th March 1852, for the supply for 1 year from 1st May 1852, of Biscuits to the European Troops at Dinapore and Darjeeling.

Biscuits will be required once a week, and 4 days' supply must be kept in hand throughout the year to meet rejections of Bread, should any occur. Tenders must have rates specified in words as well as figures, and must be prepared for each station separately. A deposit of not less than Rs. 100 to be lodged with each Tender. Forms of Tenders may be had at the Dinapore Commissariat Office, and Tenders will be opened and read on the 13th March at noon precisely, in presence of such parties concerned as may choose to attend.

W. D. MACPHERSON,  
Sub A. C. General.

Dinapore, Executive Commissariat }  
Office, 18th February 1852. }

*Sheriff's Office, the 11th February 1852.*

NOTICE is hereby given, that a Sessions of Oyer and Terminer and Gaol Delivery, and also an Admiralty Sessions will be holden by the Supreme Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and places subordinate thereto, at the Court House, in the Town of Calcutta, on Monday, the First day of March next, at 12 o'Clock at Noon.

The Court will open on the first day of the Sessions at 12 o'Clock at Noon, and upon each succeeding day, precisely at 11 o'Clock in the Forenoon, of which all persons are required to take notice.

JOHN DEFFELL, Sheriff.

সরিক আফিস ১১ ফেব্রুয়ারি ১৮৫২ সাল।

সম্রাটর দেওয়া বাইতেছে যে আগামী ১ মার্চ সোমবার দুই প্রহরের সময় শহর কলিকাতার কোর্ট উইলিয়মের এবং তাহার অধিপতি যে সকল স্থান তদ্বিমিত্তে বঙ্গদেশের কোর্ট উইলিয়মের সুপ্রিম কোর্ট আপন আদালত ঘরে ওএর টরমিনর এবং এডমিরেল্টী অর্থাৎ মহাসমুদ্র সঙ্গীর মোকদ্দমা নিস্কান্ত তন্য এক সেশীয়ান অর্থাৎ মিছিল করিবেন।

এই সেশীয়ান বতকাল পর্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘটীর সময় বসিবেক এবিষয় সকলে অবগত রাখুন।

JOHN DEFFELL, Sheriff.

সরিক।

*Court for the Relief of Insolvent Debtors at Calcutta.*

In the matter of Ahmad Mahomed, Commission Agent and late a Cashier and Assistant in the employ of Agum Kassum, of Amratollah Gully in Calcutta, Merchant, an Insolvent. On Wednesday, the 18th day of February instant, It was ordered that the hearing in this matter shall be on the 3rd day of April next, and that the said Insolvent do then attend to be examined by the said Court.

Newmarch, Attorney.

In the matter of Margaret Bluett, of No. 112 Dhurumtollah Street in Calcutta, Widow and Midwife, an Insolvent. On Tuesday, the 10th day of February instant, It was ordered that the hearing in this matter shall be on the 3rd day of April next, and that the said Insolvent do then attend to be examined by the said Court.

Thompson, Attorney.

In the matter of Nilmaudub Mitter, of Saumpooker in Calcutta, lately carrying on trade and business in Calcutta, hitherto as a Banian, Merchant and Trader, an Insolvent. On Tuesday, the 17th day of February instant, It was ordered that the hearing in this matter shall be on the 1st day of May next, and that the said Insolvent do then attend to be examined by the said Court.

Oehme and Barrow, Attorneys.

In the matter of Mubenchunder Mookerjee, of No. 34, Banatollah Lane in Calcutta, a Sircar in the service of Nubinchunder Shaw of Pattoringhgttahin Calcutta, an Insolvent. On Wednesday, the 11th day of February instant, It was ordered that the hearing in this matter shall be on the 3rd day of April next, and that the said Insolvent do then attend to be examined by the said Court.

Wight, Attorney.

In the matter of Hay Tweeddale Stewart, formerly carrying on trade and business at Mirzapore, in the North-Western Provinces of Hindostan, and also at Calcutta, as Merchant and Agent under the name, style or firm, first of Hay T. Stewart and Company, and afterwards of H. T. Stewart and Company, but now Collector of River Tolls at Jungypore in the Province of Bengal, an Insolvent. On Thursday, the 12th day of February instant, It was ordered that the hearing in this matter shall be on the 3rd day of April next, and that the said Insolvent do then attend to be examined by the said Court.

Molloy, Mackintosh and Poe, Attorneys.

In the matter of David Baird Lindsay, formerly carrying on trade and business as a Coffee Planter, in the Island of Ceylon, and now an Assistant in the office of Messrs. Gladstone, Wylie and Company of Calcutta, Merchants and Agents, an Insolvent. It was ordered that the further Hearing on this day, the 14th day of February instant, be appointed for the 14th day of March 1853 be shown to the contrary on that day, the cause be shewn to the contrary on that day, the said Insolvent shall be discharged personally, as well as to their after-acquired property, from all liability for debts, claims and demands of and against the said several Insolvents at the time of filing their petitions for relief.

In the matter of William Blayd Barlas, of Calcutta, who for some time carried on business with Messrs. C. R. Luckerssteen and Company, of the same place, Merchants, in making certain shipments of Goods and Produce to Great Britain on joint account, and lately carried on business as a Merchant on his own individual account, an Insolvent. On Saturday the 7th and Saturday the 14th day of February instant, It was ordered that the first Saturday in the month of March 1853 be appointed for the 14th day of March 1853 be shown to the contrary on that day, the cause be shewn to the contrary on that day, the said Insolvent shall be discharged personally, as well as to their after-acquired property, from all liability for debts, claims and demands of and against the said several Insolvents at the time of filing their petitions for relief.

In the matter of Joseph Henry Moore Harvard, formerly of Benares, Sub-Deputy Opium Agent, in the Service of the East India Company, afterwards of Boitakannah in Calcutta, carrying on trade and business of a Carrier and a Passenger-Carriage Proprietor in the Strand Road in Calcutta, under the style or firm of the "Equirota Waggon Transit Company," now of Patna, Senior Surveyor of the Patna Government Opium Agency, but at present residing in the Circular Road in Calcutta, Trader, an Insolvent. On Saturday the 7th and Saturday the 14th day of February instant, It was ordered that the first Saturday in the month of March 1853 be appointed for the 14th day of March 1853 be shown to the contrary on that day, the cause be shewn to the contrary on that day, the said Insolvent shall be discharged personally, as well as to their after-acquired property, from all liability for debts, claims and demands of and against the said several Insolvents at the time of filing their petitions for relief.

Judge and Burkinyoung, Attorneys.

Robertson, Attorney.

Owen, Attorney.

Chief Clerk's Office, 20th February 1852.

In the matter of Samuel Howard Jeyut, of No. 6, Somerset Place, Strand in Calcutta, Merchant and Agent, an Insolvent. Notice, that an application for an *ad interim* protection Order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Tuesday, the 2nd day of March next, at the hour of 10 o'Clock in the forenoon.

“Any Creditor of the said Insolvent, desirous of opposing such application, do appear before the said Court at the time and place aforesaid.”

Wight, Attorney.

Chief Clerk's Office, 21st February 1852.

*In the Court for the Relief of Insolvent Debtors at Singapore.*

In the matters of Khadir Pakier, late a Trader, Heng No, late a Trader, Chiah Seang, late a Trader, Delbader, late a Serang, Low Kim Eng, late a Trader, Lack Ha and Chu Ha, late Traders, James Nayanapregassim, late a Dubash, Swee Low, late a Broker, Wee Soon Leong, late a Trader, and Kistnamay, late a Dubash, of Singapore respectively, Insolvents.

NOTICE is hereby given, that Petitions have been filed by the above-named Insolvents respectively, praying for the benefit of the Act made for the Relief of Insolvent Debtors in India, and that the Estate and Effects of the said Insolvents respectively, have been veated in William Willans Willans, Esquire, the Official Assignee of the said Court. The matters of the Petitions of the said Insolvents will be heard at the Court House at Singapore, on Monday, the 26th day of April 1852, at 10 o'Clock in the forenoon. Any Creditor intending to oppose the discharge of any of the said Insolvents, must give Notice thereof in writing to such Insolvent *three clear days* before the day of Hearing, and a like Notice to the Chief Clerk on or before the day preceding the day of Hearing.

H. C. CALDWELL,

Chief Clerk, Singapore.

Singapore, Chief Clerk's Office, }  
8th January 1852.

*In the Court for the Relief of Insolvent Debtors at Singapore.*

In the matter of Hanifasah, of Singapore, late a Merchant, an Insolvent.

NOTICE is hereby given, that Monday, the 26th day of April 1852, is appointed for further Hearing in the above matter, for the purpose of declaring a Dividend.

H. C. CALDWELL,

Chief Clerk, Singapore.

Singapore, Chief Clerk's Office, }  
8th January 1852.

LOST,—First Half of the Bank of Bengal Note, No. 25140, for Co.'s Rs. 25.

NOTICE is hereby given that at a General and Quarter Sessions of the Peace holden at the Office of Her Majesty's Justices of the Peace in the Town of Calcutta, on Tuesday, the 24th day of February instant, It was ordered, that in pursuance of the tenor of Sections 29 and 38 of Act X. of 1852, entitled an Act “for constituting Commissioners for the Improvement of the Town of Calcutta,” the assessment of the several houses, buildings, and grounds within the said Town for the Quarter of the year comprising the months of February, March and April 1852, has been raised from five per cent., or the one-twentieth part, to six and one quarter per cent. or one anna in the Rupee, of their estimated gross annual value, according to which latter rate the said assessment will in future be demandable and payable by the owners and occupiers of the said several and respective houses, buildings, and grounds within the said Town.

It was also ordered, that in order to admit of time for the preparation of new books by the Assessor or Assessors containing the present rates of assessment, names of parties and numbers of premises within the said Town, no appeals will be received at the office of the said Justices against existing rates or applications for any alterations in the rate books, until the expiration of two consecutive quarters, namely, February, March and April, and May, June, and July 1852, and that the appeals and applications already presented at the office of the said Justices will be transferred to the Assessor or Assessors, and retained by him or them for the future consideration of the said Justices of the Peace of which due notice will be publicly given.

W. L. HARWOOD,

Clerk to the Justices.

Calcutta, Police Office, }  
24th February 1852.

**BANK OF BENGAL RATES.**

**DISCOUNT.**

Private Bills and Notes at or within 3 months, .....	10 per Cent.
Government Acceptances do., ....	6 „ „

**INTEREST CHARGED.**

On Fixed Loans, not exceeding 3 months, on Deposit of Company's Paper, .....	8 „ „
On Deposit of Opium, .....	9 „ „
On Deposit of Metals and Indigo, .....	9 „ „
On Deposit of other Goods, ....	10 „ „
On Accounts of Credit, not exceeding 3 months, on Deposit of Company's Paper, .....	8 1/2 „ „
On Deposit of Opium, .....	9 1/2 „ „
On Deposit of Metals and Indigo, .....	9 1/2 „ „
On Deposit of other Goods, ....	10 1/2 „ „

W. GREY, Secy. & Treasurer.

Bank of Bengal, }  
Calcutta, 17th Sept., 1851.

**JUST PUBLISHED,**

*And for Sale at the Exchange Hall,*

AN INDEX to the Acts of the Legislative Council of India, from their commencement to the close of the year 1849.

By JAMES SMALL.



NOTICE is hereby given under Section VI., Act I. of 1845, that the undermentioned Estates in Zillah Sylhet, will be put up to Public and unreserved Sale at the Collector's Office of that District, on Monday, the 15th day of March 1852, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue, due on the 31st day of December 1851.

No. of Class.	Class of Mehala.	No. of the Mehul on the District roll.	Names of Mehala.	Recorded Proprietors.	Sudder Jumma.	Balance on the 31st December 1851.	Remarks.
1	Permanently settled Mehala, ...	3	Pergunnah Gooderally, Tk. Peer Mahomed,	...	94 14 11	10 10 0	
		4	Ditto ditto, Tk. Shaha Mahomed,	...	102 13 3	13 1 0	
		5	Ditto ditto, Tk. Kur Mahomed,	...	93 13 10	9 4 7	
		7	Ditto ditto, Tk. Baker Mahomed,	...	523 8 4	153 1 3	
		54	Ditto Dacadin, Tk. Hurrinrain Dutt, &c.,	...	16 10 3	8 5 0	
		372	Ditto ditto, Tk. Bejoyram Duth,	...	10 3 10	6 1 0	
		373	Ditto ditto, Tk. Madubram Duth,	...	10 7 3	5 3 0	
		490	Ditto ditto, Tk. Kamaul,	...	10 3 10	5 1 0	
		497	Ditto ditto, Tk. Benode Pung,	...	15 2 4	7 9 0	
		21	Ditto Fookabad, Tk. Oochit Bhut,	...	14 8 1	6 8 0	
		38	Ditto Bhadeshur, Tk. Mahomed Khaleeb,	...	26 7 3	13 3 0	
		19	Ditto Rengah, Tk. Mohun Roy,	...	85 5 4	20 11 9	
		335	Ditto ditto, Tk. Bisessur,	...	35 13 5	17 14 0	
		615	Ditto PUNCHKUNDKALAH, Tk. Meerun Meeah,	...	30 14 11	15 7 0	
		7	Ditto Sabajpoor, Tk. Jahnkhan,	...	20 4 3	10 2 0	
		309	Ditto Kooshearkool, Tk. Hookumt Roy,	...	137 13 0	5 9 4	
		108	Ditto Choorkhyre, Tk. Lalbhakur,	...	30 4 8	15 2 0	
		39	Ditto Daccaottur, Tk. Abboo Mohamed,	...	15 2 4	7 9 0	
		206	Ditto ditto, Tk. Dhun Ram,	...	20 7 8	10 3 0	
		1461	Ditto Langlah, Tk. Teluk Roy,	...	10 10 8	5 5 0	
		1601	Ditto ditto, Tk. Jebunamondo,	...	23 4 1	5 4 3	
		2	Ditto Baromchal, Tk. Kantogovind Roy, share of Govind Roy,	...	120 13 7	10 14 0	
		11	Ditto Chotleka, Tk. Shanand Roy,	...	55 4 1	7 12 10	
		159	Ditto Ahtonahjan, Tk. Proshad Gopt,	...	17 11 4	4 13 0	
		222	Ditto Cowreah, Tk. Bhagerut,	...	19 10 0	9 13 0	
		238	Ditto ditto, Tk. Hurlaul,	...	55 14 4	5 11 2	
		308	Ditto ditto, Tk. Joydaria,	...	238 11 6	96 13 7	
		313	Ditto ditto, Tk. Shahebram,	...	147 13 5	81 3 6	
		348	Ditto ditto, Tk. Bhobany Churn,	...	254 5 7	116 3 4	
		4	Ditto Howlesing Chaper, Tk. Bydnath Protah,	...	28 2 7	5 1 3	



Report showing the smallest Depth of Water in the Bhagiruttee, Jellinghee and Matabangah Rivers, on the 15th February 1852.

<i>Names of Rivers.</i>	<i>Smallest Depth of Water.</i>		<i>Where Shallowest.</i>
<i>Bhaugiruttee River.</i>			
At its entrance. ....	0	0	Closed.
Below the entrance. ....	0	0	
From thence to Jungypore. ....	0	2	At Annundnuggur.
From Jungypore to Sadluckbaugh. ....	0	3	" Sampore.
From Sadluckbaugh to Berhampore. ....	1	5	" Rajrampore.
From Berhampore to Cutwa. ....	1	5	" Ballagatchee.
And from Cutwa to Nuddeah. ....	1	5	" Katteegungah.
			" Berhampore.
			" Modoorhaldar.
			" Mirzapore.
			" Koheerajpore.
			Below Augurdeep.
<i>Jellinghee River.</i> *			
At its entrance. ....	5	3	
From thence to Bausemarree. ....	2	2	Above the lower entrance.
	2	5	At Dyrampore.
	2	3	Below Bollyemarree.
	2	6	Above Budderpore.
	2	3	Below Surkarparrah.
From Bausemarree to Tecahkattah. ....	2	6	At Bausemarree.
	2	6	" Chuanderparrah.
	2	6	" Pattabooka.
	2	6	Below Dhoradah.
	2	8	At Fajeelnuggur.
From Tecahkattah to Sonatullah. ....	2	8	" Chuadipore.
	3	0	Below Sahibnuggur.
And from Sonatullah to Moinegunge. ....	3	0	At Beerpore.
	2	11	" Kantaltallah.
	3	0	" Sahibnuggur.
	3	4	" Sunboonuggur.
<i>Matabangah River.</i>			
At its entrance. ....	15	0	
From thence to Hautbo-leah. ....	10	6	At Dewangunge.
From Hautbo-leah to Katchikattah. ....	0	5	" Boleah.
From Katchikattah to Kishengunge. ....	0	5	Below Bogadhee.
And from Kishengunge to Seepore. ....	0	4	At Ashmanecolly.
	1	10	" Bacheumarree.
	2	0	" Tahldah.
	2	3	" Goyes.
	2	6	" Ranaghaut.

No Water on Guage at Berhampore.

J. LANG, Supt., Nuddeah Rivers.

Jellinghee River, 19th February 1852.

The channel of this River At Dyrampore has been deepened, by the construction of Bandahls, from 2 feet 3 inches to 2 feet 5 inches. Above Budderpore, from 2 feet 3 inches to 2 feet 6 inches. At Beerpore, from 2 feet 8 inches to 3 feet, and at Kantaltallah, from 2 feet 9 inches to 2 feet 11 inches.

#### Military Orphan Press.

IT is hereby notified, for general information, that from and after the date of this advertisement all Bills and Receipts connected with the Military Orphan Press, will be signed by the Secretary of the Military Orphan Society, and that without such signature no Bills nor Receipts will be considered valid and sufficient.

By order of the General Management of the Military Orphan Society,

JOHN T. D. KIND,

KIDDERPORE. } Secy. M. O. S.  
31st January, 1851. }

#### North-Western Bank of India.

THE opinion of Council, which has been taken as resolved by the Shareholders at the last Half-yearly General Meeting, being favorable to the feasibility of registering the Bank under Act No. XLIII. of 1850, the Manager hereby calls a Special Meeting of the Shareholders for the purpose of resolving that the Company shall be registered under the said Act to be held at the Bank Premises, No. 4. Old Council House Street, Calcutta, at Noon, on Tuesday, the 20th day of April 1852.

This notice is given in pursuance of and as required by the fourth Section of the said Act XLIII. of 1850.

JOHN O'B. TANDY,

Manager.

North-Western Bank of India, }  
Calcutta, 27th December 1851. }

#### India General Steam Navigation Company.

NOTICE is hereby given, that the General Half-Yearly Meeting of Shareholders of the above-named Company, will be held on Monday, the 15th of March next, at 3 o'clock, P. M., at the Office of the Company.

After closing the ordinary business of the day, the Meeting will be made *special*, to take into consideration the amount of future remuneration to be allowed to the Auditors of the Company.

By order of the Directors,

H. N. P. GRANT, Secretary.

I. G. S. N. Co.'s Office, Clive Street Ghat,  
Calcutta, Monday, Feb. 2nd, 1852.

THIS DAY IS PUBLISHED,

#### The New Quarterly Bengal Army List, No. XII.

OF HER MAJESTY'S AND THE HON'BLE COMPANY'S  
FORCES ON THE BENGAL ESTABLISHMENT.

Exhibiting the Rank, Standing, and Various Services of every Officer in the Army, distinguishing those who have received Medals and other distinctions, and who have been wounded, and in what actions; with their period of Service and dates of Commission.

CORRECTED TO 10TH JANUARY, 1852.

To which is added,

#### A List of Civil Servants

IN BENGAL AND THE NORTH-WESTERN PROVINCES, with the dates of their Appointments, &c.

PRICE—Four Rupees, each Quarterly Number, or to Subscribers, 12 Rupees per Annum,

Payable in Advance.

It is requested that all communications, orders or remittances for the above Army List be sent to the publishers, R. C. Lepage and Co.

A few Copies of previous Numbers of the New Army List are available to parties desirous of securing a complete series of the publication.

13th January, 1852.





APPENDIX TO

# The Calcutta Gazette.

Published by Authority.

WEDNESDAY, FEBRUARY 25, 1852.

বঙ্গ ও এতদেশীয় অপর ভাষাতে নামাঙ্কিত যে সকল চিঠীর মালিকানের টিকানা নাহওয়াপ্রযুক্ত  
পূর্ণীয়া পোষ্ট অফিসে ১৮৫০ সালের জানুয়ারি মাসে ভিসেম্বর মাসে যে সকল চিঠী  
রাখিত হইয়াছে তাহার কৰ্দ।

চিঠীর সংখ্যা	চিঠীর মালিকানের নাম	মালিকানের টিকানা	টিকিটের
১২২৩	মহম্মদ খানাহ	পূর্ণীয়া	
১২২৪	পিরুলান	এ	
১২২৫	আজহারআলি	এ	
১২২৬	পানাউল্লা	এ	
১২২৭	রেকাউল্লা	এ	
১২২৮	দানু সর্দার	এ	
১২২৯	আহাম্মদআলি	এ	
১৩০০	শরোমনারায়ণ	এ	
১৩০১	মদনমোহন সিংহ	এ	
১৩০২	মিথনআলি	এ	
১৩০৩	ক্রীকান্ত রায়	এ	
১৩০৪	নন্দরাম	এ	
১৩০৫	মহম্মদআলি	এ	
১৩০৬	বশীরাৎআলি	এ	
১৩০৭	মোহনলাল	এ	
১৩০৮	শ্যামচরণ	এ	
১৩০৯	পিরবক্ক	এ	
১৩১০	ভকী সাহ	এ	
১৩১১	মহম্মদ মৈয়দ	এ	
১৩১২	রুস্তমআলি	এ	
১৩১৩	শবসু ঘরামী	এ	
১৩১৪	জিতরমভ	এ	
১৩১৫	চমর	এ	
১৩১৬	আলি রেকা	এ	
১৩১৭	জিবন মাহারি	এ	
১৩১৮	এলাহিবক্ক	এ	
১৩১৯	মোশীনআলি সাহেব	এ	
১৩২০	খান সিংহ	এ	

ক্রমিক সংখ্যা	চিঠির মালিকানের নাম	মালিকানের ঠিকানা	টিকিটের সংখ্যা
১৩১১	গোলাম আহাম্মদের	পূর্ণীয়া	
১৩১২	রহমতুল্লাহ	এ	
১৩১৩	মির্জা মজহার	এ	
১৩১৪	হোসেনবক্ক	এ	
১৩১৫	হরিপ্রসাদ	কিশোরগঞ্জ	
১৩১৬	রামচরণ	মুন্সীগঞ্জ	
১৩১৭	জুলফকার আলি	পূর্ণীয়া	
১৩১৮	গোলাম রোজ্জানী	এ	
১৩১৯	সৈয়দ নছাউদ্দীন খাঁ	এ	
১৩২০	মহম্মদ সৈয়দ	এ	
১৩২১	বহরৎ সিংহ	এ	
১৩২২	কাজি হানীফ	এ	
১৩২৩	গুরুচরণ দত্ত	এ	
১৩২৪	রাধাকৃষ্ণ ঘোষ	ভাগলপুর	
১৩২৫	জামাল মইন	পূর্ণীয়া	
১৩২৬	মিরবক্ক	এ	
১৩২৭	হরিচন্দ্র	এ	
১৩২৮	কেন্দার সিংহ	এ	
১৩২৯	গোবিন্দচন্দ্র	এ	
১৩৩০	রাধাকৃষ্ণ ঘোষ	এ	
১৩৩১	লোকনাথ দাস	এ	
১৩৩২	সুপ্রেমেন্টেণ্ট পুলিশ.	ভাগলপুর	
১৩৩৩	রাম মহার মটর	পূর্ণীয়া	
১৩৩৪	মৌলবী মহম্মদ	এ	
১৩৩৫	মেকের আলহেব	এ	
১৩৩৬	রামরত্ন শেন	এ	
১৩৩৭	কালীকুমার মুখোপাধ্যায়	এ	
১৩৩৮	জগদাল	এ	
১৩৩৯	মৌলবী আলি রজা	এ	
১৩৪০	ইখরচন্দ্র চক্রবর্তী	এ	
১৩৪১	সেখ কোচাই	এ	
১৩৪২	দুর্গাপ্রসাদ ভাণ্ডারি	এ	
১৩৪৩	গুরুপ্রসাদ সিংহ	এ	
১৩৪৪	ভরনা সিংহ	আরা	
১৩৪৫	তধু মিত্রী	পূর্ণীয়া	
১৩৪৬	সেখ মিরবক্ক	এ	
১৩৪৭	মৌলবী মহম্মদ	এ	
১৩৪৮	গুরুপ্রসাদ সিংহ	এ	
১৩৪৯	মহারকুমার	এ	
১৩৫০	কাইবক্ক	এ	
১৩৫১	ববর আলি	এ	
১৩৫২	হারান সিংহ	এ	
১৩৫৩	বেহারিলাল	এ	
১৩৫৪	মৌলবী করহ আলি খাঁ	ভাগলপুর	

ক্রমিক সংখ্যা	চিঠির মালিকানের নাম	মালিকানের ঠিকানা	তৈরিকরে
১৩৬৪	সুন্দর	পূর্ণিয়া	
১৩৬৬	মলভারজালি	এ	
১৩৬৭	কাজলবর	এ	
১৩৬৮	কাজি কজলউল্লা	এ	
১৩৬৯	জকৌড়ি শাহা	এ	
১৩৭০	দেবিপ্রসাদ	এ	
১৩৭১	মালী শিবনাথলাল	এ	
১৩৭২	মহম্মদবর	এ	
১৩৭৩	মালী জেএলাল	এ	
১৩৭৪	আবদুলজালিল	বহরমপুর	
১৩৭৫	বুজলাল সিংহ	পূর্ণিয়া	
১৩৭৬	রহমাবর	এ	
১৩৭৭	শরুর শহায় সিংহ	এ	
১৩৭৮	মুনশী বেহারিলাল	এ	
১৩৭৯	হরন সিংহ	এ	
১৩৮০	রঘুপ্রসাদলাল	এ	
১৩৮১	পতিরাম	এ	
১৩৮২	গোলাম আব্বাস	এ	
১৩৮৩	গয়নী চৌধুরী	এ	
১৩৮৪	রঘু শেন	এ	
১৩৮৫	বিবি মিরেন্দ্র সাহেব	এ	
১৩৮৬	আতাউল হক	এ	
১৩৮৭	সেলামতজালি ষাঁ	এ	
১৩৮৮	বাবু ভান্সন সিংহ	এ	
১৩৮৯	বিজয়গোবিন্দ সিংহ	এ	
১৩৯০	এ	এ	
১৩৯১	গিরিশচন্দ্র মুখোপাধ্যায়	ভাগলপুর	
১৩৯২	লোকেশ্বর শহায়	পূর্ণিয়া	
১৩৯৩	জালিআব্বাস	এ	
১৩৯৪	হোশেনবর	এ	
১৩৯৫	আবদুল কাদের	এ	
১৩৯৬	রাম শহায়	এ	
১৩৯৭	একবালজালি	এ	
১৩৯৮	এনারংহোশেন	এ	
১৩৯৯	নেজামদ্দীন	এ	
১৪০০	পীরিয়া	এ	
১৪০১	মরাদপাউল্লা	কীশনগঞ্জ	
১৪০২	বাহাদুরহোশেন	পূর্ণিয়া	
১৪০৩	বুজমোহনলাল	এ	
১৪০৪	বাবু খান সিংহ	এ	
১৪০৫	রামলাল	এ	
১৪০৬	মুনশী কজলজালি	এ	
১৪০৭	গুরুপ্রসাদ	এ	
১৪০৮	মিলবর	এ	



চিঠির সংখ্যা	চিঠির মালিকানের নাম	মালিকানের ঠিকানা	বৈকল্য
১৪০৯	আমার আলি	পূর্ণিমা	
১৪১০	হোসেন রু	এ	
১৪১১	ভবানী সিংহ	এ	
১৪১২	গহর ঐ	এ	
১৪১৩	জাপানি ও ডাওনি	এ	
১৪১৪	কএকবর	এ	
১৪১৫	আবদুল হাকীম	এ	
১৪১৬	মেটর কজ সাহেব	এ	
১৪১৭	হারাধন বন্দোপাধ্যায়	এ	
১৪১৮	রামধন মূখোপাধ্যায়	এ	
১৪১৯	কেম রায়	এ	
১৪২০	মল মুখুযন	এ	
১৪২১	মিটু সিংহ	এ	
১৪২২	আলি রজা	এ	
১৪২৩	মোসাফের আলি	এ	
১৪২৪	বামাচরণ বন্দোপাধ্যায়	এ	
১৪২৫	নিত্যানন্দ দাস	এ	
১৪২৬	দীননাথ দে	এ	
১৪২৭	বনশ্যারিলাল	এ	
১৪২৮	মেহেরনন্দ	এ	
১৪২৯	গৌরমোহন	এ	
১৪৩০	জীকান্ত রায়	কাঁড়াগোলা	
১৪৩১	মধুরনাথ ঘোষ	পূর্ণিমা	
১৪৩২	রামলাল	এ	
১৪৩৩	সিউ গোলাম	এ	
১৪৩৪	কালীপ্রসন্ন রায়	এ	
১৪৩৫	সেখ কান্তর মোস্তার	এ	
১৪৩৬	ব্রজনাথ বসু	এ	
১৪৩৭	ত্রিপুরা	এ	
১৪৩৮	বাঃদুরলাল	এ	
১৪৩৯	মুন্সী মহম্মদহোসেন	এ	
১৪৪০	উমেশচন্দ্র দে	এ	
১৪৪১	বিপ্লবীরা	এ	
১৪৪২	ভৈরবচন্দ্র রায়	এ	
১৪৪৩	মহেশ দত্ত	এ	

(To be Continued.)

[ইহার অবশিষ্ট আগামীতে প্রকাশ হইবেক।]

CALCUTTA,  
General Post Office,  
22nd September, 1861.

J. R. BURLTON BENNETT,  
Deputy Post Master General, in Charge.

Printed at the Bengal Military Orphan Press, by F. CAREW.



# The Calcutta Gazette.

Published by Authority.

It is requested that Government Notifications for the Calcutta Gazette, of any length, may be sent to the Press by NOON of TUESDAYS and FRIDAYS: and of a few lines only, before 5 p. m. of those days.

SATURDAY, FEBRUARY 28, 1852.

No. 170.

*Fort William, Home Department, Legislative,  
The 24th February, 1852.*

Act X. of 1852, is republished with a clerical error corrected, Act XX. of 1840 having been mentioned in Section I. thereof, instead of Act XXIV. of 1840.

FRED. JAS. HALLIDAY,  
Secy. to the Govt. of India.

Act No. X. of 1852.

*For Constituting Commissioners for the Improvement of the Town of Calcutta.*

Whereas Act XVI. of 1847 for constituting Commissioners for the Improvement of the Town of Calcutta, has been found inconvenient and ineffectual for the intended purposes thereof, It is enacted as follows;

I. Act XVI. of 1847 is repealed, except as to anything done, or forborne to be done, under the said Act before the passing of this Act, but not so as to revive Act XXIV. of 1840. Provided always, that the taxes leviable under Act XVI. of 1847, on the owners or users of Carriages, Carts, and Horses, may still be assessed and imposed on such owners or users for the last Quarter or part of a Quarter previous to the passing of this Act; and all taxes and arrears of taxes, assessed and imposed on the owners or users of Carriages, Carts, and Horses under Act XVI. of 1847, and not collected at the time this Act comes into operation, may be levied and recovered as if the said Act XVI. of 1847 were not repealed.

II. The scheme of election agreed upon by the owners and occupiers of assessed houses, buildings, and lands in each division of the Town, and the rules made by the Commissioners, severally approved by the Deputy Governor of the Presidency of Fort William in Bengal and President of the Council of India in Council, in pursuance of the said Act, are rescinded and annulled. Provided always, that all taxes and arrears of taxes assessed and imposed on the owners or users of Carriages, Carts, and Horses under Act XVI. of 1847 and Section I. of this Act, and not collected at the time this Act comes into operation, may be levied and recovered as if the said Rules were not repealed.

III. For the purposes of this Act the Town of Calcutta shall be divided into two divisions, that is to say, a Northern and Southern Division, by a line passing from the river Hooghly at the old Port Ghaut along the centre of Fairlie Place, Clive Street, the street on the Northern side of Tank Square, Loll Bazaar, Bow Bazaar, and Boitacounah; or such other two divisions as the Governor of the Presidency of Fort William in Bengal, from time to time, may appoint: and, whenever any such new division shall be made, the provisions of this Act, with respect to the divisions herein defined, shall be deemed to apply thenceforth to such new divisions.

IV. There shall be four Commissioners for executing the powers of this Act, who shall be styled the Commissioners for the Improvement of the Town of Calcutta, of whom two shall be appointed by the Governor of the Presidency of Fort William in Bengal, and two shall be elected as hereinafter provided, that is to say, one for each division of the said Town.

V. The Commissioners shall enter upon their office on the First day of January in each year, and shall hold their office regularly for one year, or until their successors are duly constituted; and until the first constitution of Commissioners under this Act, the Commissioners now acting in the execution of the said Act XVI. of 1847, shall exercise the powers of this Act, and shall be deemed Commissioners under this Act.

VI. Every person is entitled to one vote in the election of a Commissioner under this Act who is the owner of a house, building, or ground in either division of the said Town, and is assessed at not less than ten rupees' tax in the whole for a quarter of a year, in respect of such house, building, or ground, and who, on or before the 20th day of November in each year, has paid all such taxes due from him up to the last day of July, in the same year.

VII. Every person is entitled to one vote in the election of a Commissioner under this Act who is the occupier of any house, building, or ground in either division of the said Town, and who pays a monthly rent of not less than rupees seventy in respect of such house, building, or ground.

VIII. Each voter is entitled to vote in that division only in which he is assessed to the amount which constitutes his qualification: but

any person who is assessed or pays rent to the qualifying amount in each division, may be entitled to vote in both. No person shall be entitled to two votes in any one division by reason of his being both an owner and occupier to the qualifying amounts respectively in such division.

IX. All elections under this Act shall be under the management of the Sheriff of Calcutta, who shall appoint a sufficient number of Deputies to help him in presiding thereat: and every Deputy, while so acting for the Sheriff, shall have the same powers and duties as the Sheriff with respect to the division for which he is acting.

X. The elective Commissioners shall be chosen yearly, on a day between the First and Twentieth days of December, to be appointed in each year by the Sheriff of Calcutta, of which day, and also of the place of election, the Sheriff shall give notice, by advertisement in the *Calcutta Gazette*, Fifteen days at least before the day of election.

XI. The place of election for each division of the Town shall be the Town Hall of Calcutta, or such other place as the Sheriff, with the sanction of the Governor of the Presidency of Fort William in Bengal, shall, from time to time, appoint.

XII. The voting shall begin at eight of the clock in the morning, and end at five of the clock in the afternoon of the appointed day.

XIII. Every person qualified to vote in the election, and none other, is qualified to be a candidate for election as a Commissioner.

XIV. Every candidate shall, ten days at least before the day of election, give notice thereof in writing to the Sheriff, naming the division for which he is a candidate, and shall at the same time produce to, and leave with, the Sheriff a certificate from the Secretary to the Commissioners that he is qualified to be a candidate, which certificate the Secretary shall be bound to give without fee or charge, on personal application, to any person duly qualified.

XV. All expenses of the election of Commissioners, including the expense of advertising the time and place of election, shall be defrayed by the candidates; and every candidate shall, at the time when he produces to the Sheriff his certificate of qualification, deposit with the Sheriff the sum of two hundred rupees toward the expenses of the election, and in default thereof shall not be qualified to be elected.

XVI. If the whole amount so deposited shall not be spent by the Sheriff in such election, the residue shall be returned to the candidates in equal proportions; and if the whole amount so deposited is not enough to defray the expense of such election, the Sheriff shall be entitled to receive from each candidate his proportionate share of the surplus expense, and in default of payment may sue for and recover the same, as money spent on behalf of such candidate.

XVII. The Commissioner shall cause to be prepared, in each year, correct alphabetical lists of the owners qualified to vote in each division of the Town, and also an alphabetical list of the occupiers qualified to vote in each of the said divisions, who shall, on or before the First day of November in each year, apply to the Commissioners to have their names entered in such lists, and the said lists shall be open for inspection at the office of the said Commissioners, on or before the First day of December in each year, during all reasonable hours of the day, until the day of election, when the said lists, or copies thereof,

shall be taken to the place of election for the use of the Sheriff and his Deputies.

XVIII. The Secretary to the Commissioners, on the written application of any person qualified to vote as aforesaid, signed by himself, specifying the division, street and number, or other description of every house, or building, or the land in respect of which the claim is made, and delivered to the Secretary on some day between the 1st and 30th day of November, both inclusive,—with, where the applicant is an owner, the receipted assessment bills, shewing that the applicant has paid the taxes required by this Act to qualify him to vote, or with, where the applicant is an occupier, the receipted rent bills, shewing that such occupier has paid the rent required by this Act to qualify him to vote,—shall give to such person a voting ticket, according to his qualification. The voting tickets shall be numbered and signed by the Secretary to the Commissioners, and shall be in one of the forms contained in the first Schedule annexed to this Act, or in such other form as shall be, from time to time, adopted by the Commissioners, with the approval of the Governor of the Presidency of Fort William in Bengal; the Secretary to the Commissioners shall keep a Register of such voting tickets, which shall specify the number of each voting ticket, the name of the voter, and the premises in respect of which such voting ticket is given, and the said Secretary, on the day of election, shall take the said Register to the place of election, for the use of the Sheriff and his Deputies.

XIX. The voting ticket shall be conclusive evidence that the person named therein is entitled to vote at the next election of a Commissioner in the division for which the ticket is given, according to the tenor thereof.

XX. At the time and place appointed for the election, the Sheriff or his Deputies shall attend with two closed boxes, with openings in each box or the reception of voting tickets, and distinguished from each other, by having marked or painted legibly, in English and Bengallee characters, the word "Northern" on one box, and the word "Southern" on the other.

XXI. Every voter, having obtained his voting ticket in each division in which he is qualified to vote, and having written thereon the name of the candidate for whom he wishes to vote, and having signed the same, shall personally attend at the place of election, and shall deliver his voting ticket to the Sheriff, or one of his Deputies presiding at the election for that division, who, on being satisfied of the identity of the person tendering the voting ticket with the person whose signature it bears, shall deposit such voting ticket in the box of the division.

XXII. The Secretary, Assessors, Collectors, and Collecting Sircars of the Commissioners, and, if required by any candidate, an agent appointed by writing under his hand on his behalf, shall attend at the place of election during the continuance thereof, for the purpose of assisting in identifying the persons who shall tender voting tickets.

XXIII. The decision of the Sheriff, or his Deputy, admitting or rejecting any disputed vote tendered at any election, shall be conclusive as to the reception of the vote.

XXIV. At the close of the poll for any division, the Sheriff or his Deputies, in the presence of the candidates, or such of them as choose to be present, or of scrutineers appointed in writing



under their several hands, shall ascertain the number of votes given for each candidate in each division; and the Sheriff shall thereupon publicly declare the name of the candidate in each division for whom the greatest number of votes has been given in such division, and shall declare such candidate to be duly elected a Commissioner for the Improvement of the Town of Calcutta.

XXV. If two or more candidates at the head of the poll in any one division of the Town shall have the same number of votes, the Governor of the Presidency of Fort William in Bengal shall appoint one of the candidates, having such equal number of votes, to be one of the elected Commissioners for the Improvement of the Town of Calcutta.

XXVI. The result of every election shall be certified by the Sheriff to the Governor of the Presidency of Fort William in Bengal, who will cause notice thereof to be given in the *Calcutta Gazette*.

XXVII. If any vacancy, from any cause whatever, happens before the month of December in any year among the Commissioners, the Governor of the Presidency of Fort William in Bengal shall appoint a person qualified to be elected to fill such vacancy, and the Commissioner appointed to fill such vacancy shall be a Commissioner as if he had been elected at the then last general election of Commissioners.

XXVIII. The 158th Section of the Act of Parliament passed in the 33rd year of the reign of King George the Third, and numbered Chapter 52, is hereby repealed, and the powers and duties which by the said Act were conferred and imposed on the Justices of the Peace within or for the Presidency of Fort William in Bengal, in regard to the collection, levying, and disbursement of the taxes thereby authorized to be assessed by them on the owners or occupiers of houses, buildings, and grounds, shall be exercised and performed by the said Commissioners, instead of the said Justices of the Peace; and the powers and duties by Act XXII. of 1847, or any other Act, conferred on or belonging to the Commissioners constituted under the said Act XVI. of 1847, and their Officers, shall be transferred to, and belong to the Commissioners constituted under this Act and their Officers respectively.

XXIX. The Justices of the Peace within and for the said Town of Calcutta shall make a quarterly assessment at the rate of six and one quarter per cent., or one anna in the Rupee, on the owners of houses, buildings, and grounds within the said Town, according to the gross monthly rental thereof, or on the gross monthly rental at which the same might, in the estimation of the said Justices, reasonably be expected to let.

XXX. Of the two Commissioners yearly appointed by the Governor of the Presidency of Fort William in Bengal, one shall be President of the Commissioners. In the absence of the President, such other Commissioner shall act as Chairman of the meetings of the Commissioners as shall be chosen by those present. On all questions on which the Commissioners present are equally divided in opinion, the President shall have a second or casting vote. No meeting of the Commissioners shall be held without twenty-four hours' notice being given to all the Commissioners, and two Commissioners shall be necessary to constitute a meeting.

XXXI. The Commissioners shall severally receive such monthly salaries, not exceeding two hundred and fifty rupees each, to be paid out of

the taxes levied under the said Act of Parliament and Act XVI. of 1847, and this Act, as the Governor of the Presidency of Fort William in Bengal, with the approval of the Governor General of India in Council, shall from time to time appoint.

XXXII. The Commissioners shall appoint a Secretary, subject to the approval of the Governor of the Presidency of Fort William in Bengal, and shall also appoint a sufficient number of Assessors, Collectors, Surveyors, Inspectors, Appraisers, Bailiffs, and such other Officers as they may deem necessary for assessing, collecting, or levying the taxes imposed on the owners or occupiers of houses, buildings, and grounds under the authority of the said Act of Parliament, and of this Act, and also the taxes and penalties herein mentioned, and may appoint the same persons to act both as Assessors and Collectors, and may prescribe such rules, and take such security for the due execution of the duties of such Secretary and Officers as they may deem expedient; and the Secretary and Officers of the Commissioners shall receive such salaries, to be paid out of the said taxes, as the Commissioners from time to time may appoint, subject to the approval of the said Governor. The Secretary and every other Officer shall be removable at the pleasure of the Commissioners, subject, in the case of the Secretary, to the approval of the said Governor.

XXXIII. All rates and taxes assessed on the owners of houses, buildings, and grounds, and penalties imposed under the authority or color of the said Act of Parliament, and Act XVI. of 1847, before this Act comes into operation, may be demanded, and if not duly paid, may be levied and recovered by the Commissioners acting under the authority of this Act, in the same manner, and by the same forms, or by forms to the like effect, as if they had been imposed under the authority of this Act.

XXXIV. The owners of houses, buildings, and grounds, within the said Town, shall pay such sums of money as shall be assessed upon them by the said Justices according to the said rate of six and a quarter per cent., or one anna in the rupee.

XXXV. Where there is land wholly or partly covered with houses or buildings, which do not belong, or which belong only in remainder or reversion, to the owner of the land, and rent is covenanted to be paid to the owner of the land, wholly or partly irrespective of the value of the said houses or buildings, the said Justices may assess the owner of the land separately, in respect of the land, and the owners of the houses and buildings, according to their value, after deduction of the value of the land, in respect whereof the owner thereof is separately assessed.

XXXVI. The said Justices, in their discretion, may omit from their valuation and assessment any tenement of very small value, unless where there are many such belonging to the same owner, which can be conveniently valued and assessed together.

XXXVII. Where any house, building, or ground, within the said Town, has been vacant for sixty consecutive days in any quarter of a year, the rates for that quarter shall be remitted, provided that the owner of such house, building, or land, shall have given notice in writing of the vacancy thereof, to the Secretary of the Commissioners, within seven days next after the day on which it becomes vacant;

and if such notice of vacancy be not given within the said seven days, the said rates shall be remitted from the day on which the notice may be delivered to the Secretary.

XXXVIII. The first assessment to be made under this Act shall be made on or after the Twelfth day of February 1852, for the months of February, March, and April 1852, and when made, shall be taken to supersede and annul any previous assessment made by the Justices for the same period or any portion thereof; and every following assessment shall in like manner be made prospectively at the commencement of the quarter of a year in which it is made.

XXXIX. The assessment of the taxes specified in this Act shall be made by the said Justices or any of them, but shall in every case require to be confirmed at a subsequent meeting of the said Justices, and the said Justices shall cause such assessment, when made and confirmed, to be entered in books to be kept in their office, and the entries for such assessments in the said books, authenticated by the signatures of the Justices, or any two of them, shall be conclusive evidence of the several assessments therein specified.

XL. The Justices shall give at least fourteen days' notice, by advertisement in the *Calcutta Gazette*, of the day and hour when they will meet in their Office, for the purpose of revising and confirming the said assessment; and every person who deems himself aggrieved in any respect by the said assessment, and is desirous of appealing against the same, must attend such meeting; and the Justices may adjourn such meeting, if necessary, from day to day; and, after hearing and determining all objections to the assessment, may make such amendments therein as to them may appear just, and finally confirm the same as so amended.

XLI. The books containing the proposed assessment shall be in the Office of the Justices during the said period of fourteen days, or more, open at all reasonable times to the inspection of all persons assessed therein.

XLII. The taxes specified in this Act shall be due and payable from and after the end of the quarter of a year, or other period for which they are imposed.

XLIII. When the taxes specified in this Act shall be due and payable, or as soon after as convenient, the said Commissioners shall send, or cause to be sent, to the persons severally liable to pay any of such taxes, a statement or bill in the form (A.) contained in the second Schedule annexed to this Act, or to the like effect, of the sums due from such persons respectively in respect of the said taxes.

XLIV. When any person shall be in arrear of the payment of the said taxes specified in this Act, the said Commissioners, or any one of them, or their Officer duly authorized by them, may issue or cause to be issued and served upon such person, a Notice of Demand in the form (B.) contained in the second Schedule annexed to this Act, or to the like effect; and if he shall not, within five days from the service of such Notice of Demand, pay the arrear due from him, according to the tenor of such Notice of Demand, the said Commissioners, or any one of them, or their Officer duly authorized by them, may issue and serve, or cause to be issued and served upon such person a summons to pay in the form (C.) contained in the second Schedule annexed to this Act, or to the like effect, requiring such person

to appear before the said Commissioners, or any one or more of them, on a day and at an hour and place to be named in such summons.

XLV. On the appearance of the party summoned, the said Commissioners, or any one or more of them, may make such further inquiry into the case as to them or him seems just, and may make such order for the payment of the whole or any part of the demand as to them or him seems just; and in case of the non-appearance of the party summoned, the said Commissioners, or any one or more of them, on proof of service of the said summons, and on making such further inquiry into the case as to them or him seems just, may decide the claim, in like manner as if the said party were present, and may make such order for the payment of the demand, together with such costs as to them or him may seem reasonable.

XLVI. In order that the Justices and Commissioners may be better informed of the value of any house, building, or ground, or in any other matter relating to their duty under this Act, and the execution thereof, the Justices, or Commissioners, or any one of them, or their Officer duly authorized by them, may issue a summons, in the form (D.) contained in the second Schedule annexed to this Act, to any person whom they are desirous of examining for that purpose; and any one or more of the said Justices or Commissioners may examine such person so summoned concerning the value of such house, building, or ground, or other matter relating to the assessment; and such examination shall be taken down in writing, in such manner as the Justices or Commissioners may order; and in case the answers of such person so examined shall appear to the said Justices or Commissioners to be evasive or untrue; or in case the party summoned shall refuse to answer any lawful question of the said Justices or Commissioners, or any one of them, or shall be proved to have refused to receive, or to have wilfully destroyed, defaced, or unlawfully detained any Bill, Summons, or Notice of Demand served upon him, with intent to evade being lawfully rated to the full amount of any of the said taxes due from him, or with intent to avoid or delay payment thereof; or shall be proved knowingly, or through gross negligence, to have given any false information, either verbally or in writing, to the said Justices or Commissioners, or any of them, or any of their Assessors or Officers, whereby they or any Assessor or person employed by them shall be misled in making any assessment; or in case the party summoned shall refuse, or without lawful excuse neglect to appear before the said Justices or Commissioners, in pursuance of such summons; such person shall, for any of the abovementioned offences, be liable to such penalty, not exceeding one hundred rupees, as shall be set on him by the said Justices or Commissioners, or any one of them, and such penalty shall be recovered under a warrant to be issued for that purpose by the said Justices or Commissioners, or any one of them, by distress and sale of any goods and chattels within the Town belonging to the person liable to pay or make good the said penalty; and every such warrant of distress may be in the form (G.) contained in the second Schedule annexed to this Act, or to the like effect.

XLVII. All arrears of taxes and penalties due under the said Statute 33 George III., Act XVI. of 1847, and this Act, and the costs and charges of recovering the same, may be recovered at any

time after the day on which the person liable to pay such arrears has been summoned to appear before the Commissioners, or any one or more of them, as provided by Section XLIV. of this Act, under a warrant to be issued for that purpose, under the hand and seal of one of the said Commissioners, by distress and sale of any goods and chattels within the Town of Calcutta, belonging to the person liable to make good or pay the same, or being at any time within the house or building, or upon the ground in respect of which any such assessment is made; and every such Warrant of Distress may be in the form (E.) contained in the second Schedule annexed to this Act, or to the like effect.

XLVIII. The bailiff shall make an inventory of all goods and chattels seized under any warrant, and shall give a notice in writing in the form (F.) contained in the second Schedule annexed to this Act, or to the like effect, to the person in possession thereof at the time of seizure, that the said goods and chattels will be appraised and sold in manner therein mentioned.

XLIX. If the warrant is not in the mean time discharged or suspended by one or more of the said Commissioners, the goods and chattels seized shall be appraised and sold, and the proceeds thereof shall be applied in discharge of the arrears, or penalty, and costs; and the surplus, if any, shall be returned, on demand, to the person in possession of the goods and chattels at the time of the seizure; and the fees upon every such proceeding shall be such as are mentioned and set forth in the third Schedule annexed to this Act.

L. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of the rates, taxes, or penalties under the said Statute 33 Geo. III., Act XVI. of 1847, or this Act, the Commissioners, or any one or more of them, if they think fit, may authorize any Collector or other person to sue the person liable to pay such rates, taxes, or penalties, for any arrears of such rates, taxes or penalties, in the Calcutta Court of Small Causes; and all such suits may be prosecuted by such Collector or other person in the name of the Commissioners; and the costs, if any, incurred in any such suit, which are not recovered in the suit, may be defrayed out of the taxes levied under this Act.

LL. When any Bill, Notice of Demand, Summons, or other proceeding of any kind whatsoever with respect to any taxes under the said Statute, Act XVI. of 1847, or this Act, is to be issued to the owner of any premises, if his name be not certainly known, it shall be sufficient to address such proceeding to him by the description of the "Owner" of the premises (naming or describing them) in respect of which such proceeding is issued, without further name or description of such owner, and such proceeding may be duly served as hereinafter mentioned; and every Bill, Notice, Summons, or Notice of Demand, may be served personally upon the person to whom the same is addressed, or left with his door-keeper, or some inmate of his place of abode; and when any person shall, by keeping his place of abode or business closed, or by absconding, or by violence or threats, prevent any Officer or Servant of the said Commissioners from serving any Bill, Notice, Summons, or Notice of Demand, as herein directed, such Bill, Notice, Schedule, Summons, or Notice of Demand, shall be duly served, by fixing the same conspicuously on some part of the outer wall, gate, or door of the house or place of business, or of the enclosure in which it stands; in case the place of

abode of the owner be not within the limits of the said Town, it shall be sufficient for the Commissioners to transmit any Bill, Notice, Summons, or Notice of Demand, directed to him by name, through the Post, or to serve the same upon the occupier of the premises assessed, or upon the agent (if any) of such owner.

LII. No distress levied under the authority of this Act shall be unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the Notice, Bill, Summons, Notice of Demand, Warrant of Distress, Inventory, or other proceeding relating thereto, nor shall he be a trespasser from the beginning on account of any irregularity afterwards committed by him.

LIII. The said Commissioners shall, from time to time, subject to the approval of the Governor of the Presidency of Fort William in Bengal, make Rules for regulating their proceedings under this Act, and for the regulation of the time and manner of demanding and collecting the taxes specified in this Act, and for altering any of the forms set forth in the Schedules hereunto annexed, and the said Justices shall, from time to time, subject to the like approval, make Rules for regulating their proceedings under this Act, and for the regulation of the time and manner of assessing the rates specified in this Act.

LIV. The goods and chattels of the owner of any house, building, or ground rated under the said Statute 33 George III., Chapter LII. Section CLVIII., Act XVI. of 1847, or this Act, shall be liable to be distrained anywhere (except goods and chattels concealed as hereinafter mentioned), for deficiency in the payment of rates; and it shall not be necessary in any assessment, rate or tax, or Warrant of Distress under the said Statute, Act XVI. of 1847, or this Act, to specify the names of the owners of houses, buildings, or grounds; but it shall be sufficient if the house, building, or ground, in respect of which the tax is assessed, be identified, and in the case of houses numbered in any street, that the name of the street and the number of the house be specified.

LV. All goods and chattels, which shall be found upon any premises rated, shall be liable to be distrained for any arrears of rates or taxes assessed in respect thereof; and if the said goods and chattels belong to the occupier of such premises, such occupier may deduct the amount of the levy made upon his goods and chattels, or of any payment made by him in order to prevent such levy, from the following payments of his rent. If they belong to any person other than the occupier of the premises, or if no further rent is payable by such occupier, he may in such case recover the amount so paid or levied, by suit in the Calcutta Court of Small Causes, from the owner of the premises, as for money paid on his behalf.

LVI. Every person shall be entitled to have from the Secretary to the Commissioners, on application at their Office, and on payment of a fee of four annas, a certificate, specifying the last quarter in respect of which the taxes on account of any house, building, or ground are paid.

LVII. When there is reason to believe that goods and chattels, liable to distress under the said Statute, Act XVI. of 1847, or this Act, are concealed in any zenana, the Officer charged with the execution of the warrant shall make a special report to the Commissioner granting the same, who shall thereupon follow, as closely as may be, the



rules for the seizure of goods and chattels in like cases adopted by Her Majesty's Supreme Court of Judicature.

LVIII. Every person who wilfully obstructs or molests the said Commissioners, or any one of them, or their Secretary, or any of their Officers or Servants in the performance of their respective duties under the said Act of Parliament, Act XVI. of 1847, or this Act, shall be liable, on summary conviction before a Justice of the Peace, on his own confession, or the oath of one or more witnesses, to forfeit and pay a penalty not exceeding fifty rupees.

LIX. The Commissioners or any one of them may sue and be sued at Law and Equity in the name of their Secretary for the time being, and no action or suit to be brought or commenced by or against such Secretary, in manner aforesaid, shall abate or be discontinued by the death, resignation or removal of such Secretary; and no execution shall issue or be had in any such action or suit against such Secretary until six months' notice shall have elapsed after final judgment in such action or suit shall have been obtained, and every such Secretary, in whose name or by or against whom any such action or suit shall be brought, commenced, or sued, shall be fully reimbursed and paid all such costs, charges, damages and expenses as by the event or in consequence of any action, suit, or proceeding he shall pay, sustain, or be put unto or become chargeable with or liable to by reason of his being plaintiff or defendant as aforesaid, or of his name being used as aforesaid, by and out of the funds under the control of the Commissioners: and if any person against whom the Commissioners shall have any claim or demand, take the benefit of, or become subject as an insolvent to the operation of any Act for the Relief of Insolvent Debtors, the Secretary of the Commissioners in all proceedings in the insolvency may represent the Commissioners, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such Secretary, and not of the Commissioners.

LX. The Secretary of the Commissioners being the plaintiff, prosecutor, or defendant, or otherwise acting in any action, suit, or proceeding as aforesaid, shall be competent to be a witness therein, in the same manner as he might have been if his name had not been made use of as the plaintiff, defendant, or otherwise in any such action, suit, or proceeding.

LXI. No writ or process shall be issued out against or served upon any Commissioner, or any Secretary, Surveyor, or other Officer, or person whomsoever acting under the direction of the Commissioners, for anything done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at his Office or place of abode, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and upon the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant; and every such action shall be brought or commenced within three calendar months next after the accrual of the cause of action, and not afterwards; and if any party shall have committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act, or by virtue

of any power or authority hereby given, and if before action brought in respect thereof, such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

LXII. No matter or thing done, or contract entered into by the Commissioners, or any one of them, or by any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners, shall, if the matter or thing were done, or the contract were entered into *bond fide*, for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such Commissioner, Secretary, Surveyor, or other Officer or person acting as last aforesaid, shall be borne and repaid out of the funds under the control of the Commissioners.

LXIII. In any such action as aforesaid the defendant may plead the general issue, and give this Act, and any special matter in evidence on the trial.

LXIV. If in any such action judgment be given for the defendant, or if the plaintiff be nonsuited or discontinue the said action, the defendant shall be entitled to his costs as between attorney and client, and shall have such remedy for recovery thereof as any defendant has for his costs in any other case by law.

LXV. The whole proceeds of the said taxes, after paying all salaries, establishments, and incidental expenses of the said Commissioners, shall, with such moneys as the Governor of the Presidency of Fort William in Bengal, with the sanction of the Governor General of India in Council, may direct to be paid to the said Commissioners, be applied by them to the following purposes, that is to say,—

- 1stly,—Cleansing, repairing, lighting and watering the roads and streets.
- 2ndly,—Constructing new drains and sewers, and cleansing and repairing or filling up and abolishing old drains and sewers.
- 3rdly,—Filling up stagnant pools of water, holes in the earth, and all receptacles for filth and rubbish, and removing obstructions in or on the roads and to the free circulation of air.
- 4thly,—Formation of tanks and aqueducts for the conveyance of water to all parts of the Town.
- 5thly,—Opening of streets and squares in crowded parts of the Town.
- 6thly,—Improving and embellishing the said Town generally.

LXVI. In construing this Act all words used in the singular number shall be held to include several persons and things, and words in the plural shall be held to include the singular number, and all words importing the masculine gender shall extend and be applied to females as well as males, unless there is something in the context inconsistent with such construction,

FIRST SCHEDULE.

Form 1.

Form of Voting Ticket.

No.

Division.	Name of Rate-payer.	Aggregate value of Houses, Buildings, or Grounds for which he is assessed.	Total Assessment.

Entitled to vote.

Secretary.

Reverse.

I, the undersigned, being the rate-payer within described, do hereby give my vote for as Commissioner for the ( ) Division.

Calcutta, The 18 . }

Signature.

Form 2.

No.

Division.	Street.	No. of House.	Name of Occupier.

Entitled to vote.

Secretary.

Reverse.

I, the undersigned, being the occupier within described, do hereby give my vote for as Commissioner for the ( ) Division.

Calcutta, The 18 . }

Signature.

SECOND SCHEDULE.

(A.)

House Tax Bill.

Division No.	Premises No. _____ Dr.
Street No.	To Assessment on the above-mentioned Premises for _____ Quarter.
	Rated at Rupees " " per Month.
	Quarterly Assessment, Rs. " " Received Payment,
Remit.	Calcutta, 18 . Collector

(B)

Notice of Demand.

Number Division Street House Take Notice that I, on behalf of the Collector of Assessments, have demanded and demand from you the arrears of Taxes assessed upon you as owner of the premises mentioned in the margin, for the ( ) quarter, viz., the months of 18 under the provisions of Act X. of 1852, amounting to Rupees , and that if the same be not paid into the Collector's Office within five days after this demand, you will be reported to the Commissioners, and will be liable to the expenses of any further proceedings.

For the Collector,

Collecting Sircar.

Calcutta, This day of 18 . }

(C)

Summons to Pay.

No.

To

You are hereby summoned to appear personally before the Commissioners for the Improvement of the Town of Calcutta, or such one or more of them as shall be at their office at o'clock on the day of 18 , to answer to a complaint made against you by the Collector of Assessments for non-payment of the Taxes imposed on you as owner of the premises mentioned in the margin, under the Provisions of Act X. of 1852, for the ( ) quarter, that is to say,—the months of ( ) amounting to Rupees .

Commissioners' Office.

No.

Given under my hand } this day of 18 . }

A. B.

(D)

Summons to give Evidence.

To

Under the authority of Act X. of 1852, you are hereby summoned to appear personally before the Commissioners for the Improvement of the Town of Calcutta, or such one or more of them as shall be at their office at o'clock on the day of 18

(Here set out the cause of Summons.)

Commissioners' Office.

Given under my hand } this day of 18 . }

A. B.

( E )

*Distress Warrant.*

Town of } To  
Calcutta. } One of the Bailiffs for the Commissioners for the Improvement of the Town of Calcutta.

Number Whereas of in the  
No. of said Town is this day duly convicted  
Division before of the Commissioners  
Street for the Improvement of the Town of  
House Calcutta, for that the said

doth refuse or neglect to pay, and hath not yet paid, the taxes on houses, buildings, and lands mentioned in the margin, to which he is assessed under the Provisions of Act X. of 1852, for the ( ) Quarter, that is to say, for the months of ( )

amounting to the sum of Co.'s Rs. although the said sum has been demanded of him, and five days have lapsed since such demand; This is to command you to distrain the Goods and Chattels of the said

within the said Town, or any Goods and Chattels which you may find on the premises in respect of which the said taxes are due, to the amount of Co.'s Rs.

and such further sum as may be sufficient to defray the charges of making such distress; and if within five days next after such distress, the said sum of Co.'s Rs.

shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said Goods and Chattels; and having paid out of the money arising by such sale, the said sum of Co.'s Rs.

to the Collector of Assessment for the said Commissioners, and having deducted the necessary charges of taking, keeping, and selling the said distress, to return the overplus, if any, on demand, to the person whom you shall find in possession of the said Goods and Chattels.

Given under my  
hand and seal, this  
day of 18 . }

L. S.

One of the Commissioners  
for the Improvement of the  
Town of Calcutta.

( F )

*Inventory.*

Quarter An Inventory of the several Goods  
Number and Chattels distrained by me  
No. of Bailiff, No.

Division situated in  
Street for the sum of Company's Rupees  
House Annas Pies being

Arrears of Assessment due up to the day of last, for Taxes under the Provisions of Act X. of 1852 (or being the amount of a penalty imposed on by of the said Commissioners or Justices of the Peace as the case may be), with the costs and

charges for enforcing payment of the same.

To

Take Notice, that I have this day distrained the several Goods and Chattels specified in the Inventory for Taxes under the Provisions of Act X. of 1852 (or being the amount of the said penalty), and that unless you pay the said sum, with the charges of distraining, into the Office of the Collector of Assessment, within five days from the date hereof, the said Goods and Chattels will be sold according to law

Arrears, Rs. } Witness my hand, this  
Costs, " } day of 18  
Co.'s Rs. } Bailiff.

( G )

*Distress Warrant.*

Town of } To  
Calcutta. } One of the Bailiffs for the Commissioners for the Improvement of the Town of Calcutta.

Whereas A. B., of in the said Town is this day duly convicted before of the Commissioners for the Improvement of the Town of Calcutta, (or Justice of the Peace, as the case may be,) of the offence of (here state the offence) against the form of the Act X. of 1852 in that case made and provided, and was thereupon adjudged by

that he the said A. B. had forfeited the sum of Rs. (here state the amount) for the offence ( )

aforesaid. And whereas the said A. B., being required to pay the said sum of Rs. (here state the amount aforesaid), hath not paid the same, but therein has made default. These are to command you to distrain the Goods and Chattels of the said A. B., which may be found within the said Town to the amount of the said sum, and such further sum as may be sufficient to defray the charges of making such distress; and if within five days next after such distress, the said sum of Rs. (here state the amount), together with the reasonable charges for taking and keeping the said distress shall not be paid, to sell the said Goods and Chattels, and having paid out of the moneys arising by such sale the said sum of Rs. (here state the amount) to the Collector of Assessments for the said Commissioners, and having deducted the necessary charges of taking, keeping and selling the said distress, to return the overplus (if any) on demand, to the person whom you shall find in possession of the said Goods and Chattels.

Given under  
hand and seal, this  
day of 18 . }

L. S.

of the Commissioners for the  
Improvement of the Town of  
Calcutta, (or Justice of the  
Peace, as the case may be.)



THIRD SCHEDULE.

Table of Fees to be taken for Proceedings under this Act.

For every Summons to pay, ..... 1 0  
In Distraints.

Sum Distrained for.	Fee.	
	Ra.	As.
Under 5 Rupees, .....	1	4
5 and under 10 Rupees, .....	2	0
10 " 15 " .....	2	8
15 " 20 " .....	3	8
20 " 25 " .....	4	4
25 " 30 " .....	5	0
30 " 35 " .....	5	8
35 " 40 " .....	6	8
40 " 45 " .....	7	12
45 " 50 " .....	8	8
50 " 60 " .....	10	0
60 " 80 " .....	11	8
80 " 100 " .....	13	0
Above 100 " .....	15	0

The above charge includes all expenses except when peons are kept in charge of property distrained, in which case 4 Annas must be paid daily for each man.

FRED. JAS. HALLIDAY,  
Secy. to the Govt. of India.

Fort William, Home Department, Legislative,  
The 20th February, 1852.

The following Act, passed by the Governor General of India in Council, on the 20th February 1852, is hereby promulgated for general information:

ACT NO. XII. OF 1852.

An Act to repeal Act No. II. of 1848, and to confer certain powers on the Commissioners for the Improvement of the Town of Calcutta.

Whereas by Section LXV. of Act No. X. of 1852, it is, among other things, enacted that certain funds therein mentioned should be applied by the Commissioners for the Improvement of the Town of Calcutta in cleansing, improving and embellishing the said Town: And whereas it is expedient that the said Commissioners should be invested with further powers for the effectual accomplishment of the purposes aforesaid, It is hereby enacted as follows:

I. Act II. of 1848, and the Bye-Laws made in pursuance thereof, and the Regulation for the Good Order and Civil Government of the Settlement of Fort William in Bengal, passed in Council, on the 28th day of October 1814, are hereby repealed. Act X. of 1852, repealing Act XVI. of 1847, shall not be construed so as to revive Act XXIV. of 1840.

II. The said Commissioners may, subject to confirmation or disallowance by the Governor of Bengal, nominate, appoint and employ, respectively, such Surveyors, Inspectors and other necessary Officers and Servants as may be necessary or proper for the execution of the powers hereby vested in them; and such Surveyors, Inspectors, Officers and Servants shall receive such salaries as to the Governor of Bengal shall seem meet.

III. The management and control over all the streets within the said Town of Calcutta, existing at the time of the passing of this Act, and of all parts of the said Town which shall hereafter become streets, and the pavements and other materials therein, and all erections and buildings, materials, implements or other things provided for the said streets by or under the authority of the Governor of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, and also the management and control of all public tanks, aqueducts and canals, and of all sewers and drains, whether public or private, now made or hereafter to be made within the said Town, are hereby vested in the said Commissioners for the purposes of this Act.

IV. The said Commissioners, by and with the consent of the Governor of Bengal, may lay out, make, build and construct streets, and may alter and widen narrow streets, and may turn, divert, discontinue or stop up streets, within the said Town, regard being had to the compensation of owners of lands which may be required to be vested in the said Commissioners for any such purposes, and of owners of lands which may be damaged or deteriorated in value by the turning, diverting, discontinuing, or stopping up of any such streets,—and, in case of dispute, the amount of such compensation shall be ascertained and paid in the manner and according to the provisions contained in Act XXII. of 1847, which is hereby declared to be applicable to all claims for compensation made in respect of any acts done by the said Commissioners under the authority of this Act. Provided always, that it shall not be lawful for the said Commissioners, or any other person, to make or lay out any new street, unless the same, being a carriage road, be at least 50 feet wide, exclusive of the drains at the sides thereof, or not being a carriage road, be at least 20 feet wide, exclusive of the drains at the sides thereof.

V. The said Commissioners, with the consent and approbation of the Governor of Bengal, shall pave, metal and water such of the public streets existing in the said Town at the time of the passing of this Act, or at any future time, as they shall think fit; and it shall be lawful for the said Commissioners to excavate and provide convenient tanks or runs of water through the said Town, and to sink wells, and lay, erect, and place pipes, gutters, conduits and pumps in any of the said streets, and may remove and alter the same when and in such manner the said Commissioners shall think proper.

VI. The said Commissioners, by and with the consent of the said Governor of Bengal, may, by agreement or in conformity with the provisions of Act XXII. of 1847, purchase or take absolutely or on lease, for such terms as they may think fit, any water-works, streams of water, lands, fixtures or other property which the said Commissioners may deem it necessary to purchase, or take for any work or purpose which they are required or authorized to do and execute under this Act, or the said Act No. X. of 1852, and when the said Commissioners take and purchase any lands for the purposes of this Act otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the powers so given, be subject to the provisions and restrictions contained

in the said Act No. XXII. of 1847; and the said Commissioners shall make to the owners and occupiers of and all other parties interested in any such lands taken for the purposes of this Act, full compensation for the value of the lands so taken, and for all damages sustained by such owners, occupiers and other parties by reason of the exercise, as regards such lands, of the powers vested in the Commissioners by this Act; and the amount of such compensation shall be determined in the manner provided by the said Act No. XXII. of 1847, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said Act No. XXII. of 1847, shall be applicable to determine the amount of any such compensation, and to enforce the payment or other satisfaction thereof.

**VII.** The Commissioners, by and with the consent of the Governor of Bengal, may sell or dispose of any lands or other property vested in or acquired by them under the powers herein, or in the said Act No. XXII. of 1847, contained, which it may appear to the Commissioners may be properly sold or disposed of; and for completing and carrying any such sale of lands into effect, the Commissioners may make and execute a conveyance of the lands sold and disposed of as aforesaid unto the purchaser or as he shall direct, and such conveyance shall be under the hands of three of the Commissioners, and under the seal of the Commissioners, and a receipt, under the hands of three of the Commissioners, shall be a sufficient discharge to the purchaser of any such lands for the purchase money in such receipt expressed to be received, and the money to arise from such sale shall be applied to such of the purposes of this Act as the Commissioners shall think fit.

**VIII.** The said Commissioners may, from time to time as they shall see fit, widen, deepen, embank, alter, arch over, amend, clean and scour out all or any of the sewers or drains within the said Town as may be necessary, and also cleanse and drain off into any sewers or drains, and fill up and level or otherwise abate all stagnant pools, ditches, tanks and other receptacles of foul water and filth existing within the said Town, whether the same be the private property of any person or persons or otherwise, and the said Commissioners, if they shall think fit, may take up, stop, fill in, and discontinue any sewers or drains which they shall deem useless or unnecessary; Provided always that the expenses incurred in respect of any such works done or executed on the private property of any person, if not defrayed by such person on demand thereof, may be recovered by distress and sale of the goods and chattels of such person, and any two of the said Commissioners may issue their warrant of distress accordingly.

**IX.** Every Commissioner and the Surveyor to the Commissioners, with such subordinate officers or persons as they may require shall, when it shall be necessary or convenient for the purpose of making any survey or examination of any sewers or drains, or of making or repairing or cleansing any sewers, drains, or works within the said Town, or of carrying into execution any of the powers entrusted to the Commissioners by this Act, or Act No. X. of 1852,

have full power and authority, at all reasonable hours in the day-time, to enter, examine, and lay open, or to direct their subordinate officers to enter, examine and lay open, any house, building or other erection, or any lands, without being liable to any action at Law or Suit in Equity, or any other legal proceedings or molestation whatsoever, for or on account of such entry, examination, or works, or of any thing done, or to be done in any part of such house, building, erection or land in pursuance of this Act; Provided always, that except in cases of emergency, none of the persons above mentioned shall enter, examine or lay open any house, building or other erection, or lands which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of their intended entry and of the object thereof; Provided also, that compensation shall be made for any damage occasioned by such entry and works to all persons other than the owners and occupiers of any land or building in respect of which any private drain or sewer, or the state of drainage shall be inspected, cleansed, or repaired, and other than the owners or occupiers of any premises where any nuisance may exist, and other than the person who may have caused such nuisance; and provided also, that in case no nuisance shall be found to exist in or on the house, building or other erection, or lands so entered, examined and laid open as aforesaid, the said Commissioners shall, out of the rates and taxes aforesaid, cause the said house, building, or other erection, or lands, to be restored to the same state and condition in all respects as the same were in before they were so entered, examined or laid open.

**X.** If any house, building, or wall, or anything affixed thereon within the limits of the said Town, be deemed by the Commissioners or their Surveyor to be in a ruinous state, or likely to fall, and also dangerous to passengers or the occupiers of neighbouring buildings, such Surveyor shall immediately cause a proper board or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner of such house, building, or wall, or other thing, if he be known and resident within the said limits, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or other thing, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure such house, building, wall, or other thing, within the space of three days after such notice has been given or put up as aforesaid, and complete the same as speedily as the nature of the case will admit, the said Commissioners shall, with all convenient speed, cause all or so much of such house, building, wall, or other thing, as shall be in a ruinous condition, or likely to fall, and also dangerous as aforesaid, to be taken down, repaired, rebuilt or otherwise secured in such manner as shall be requisite; and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding or securing such building, wall, or other thing, shall be paid by the owner thereof, if such owner can be found within the said limits; and if, on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress on the goods and chattels of the owner of the said house, building, wall,

or other thing, and any two Commissioners may issue their warrant of distress accordingly.

**XI.** If any such house, building, wall, or other thing, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house, building, wall, or other thing, and the Commissioners shall restore any overplus arising from such sale to the owner of such house, building, wall, or other thing on demand; nevertheless the Commissioners, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

**XII.** The said Commissioners, by and with the consent of the Governor of Bengal, may construct, make, and lay, or cause to be constructed, made, and laid, such reservoirs, canals, aqueducts, channels, tanks, sewers, drains, bridges, banks, conduits, machinery, engines, waste-gates, stop-gates, stop-cocks, sluices, tunnels, water-pipes, and other works, as shall, in their opinion, be necessary and proper for obtaining water and supplying the same to the said Town, and for the effectual draining and cleansing of the said Town, and for the properly flushing and cleansing out such sewers in, under, or across all or any of the streets therein, whether dedicated to the public use or not, and if needful through and across all under-ground cellars, and vaults, which they may find under any of the said streets, doing as little damage as may be; and also to cause such and so many rings and openings to be made or left in the sides of the said sewers, as will be sufficient for the making or branching any drain or drains from any or all of the houses built, and which may probably be built, adjoining or near thereto, into any of the said sewers, as the said Commissioners shall think necessary for that purpose; and in case it shall be found necessary for completing any of the aforesaid works to build, carry, or continue the same in, into, through, or over any enclosed lands, or other place not being a public way, it shall be lawful for the said Commissioners to build, carry, or continue the same in, into, through, or over the said lands or other places accordingly, and the said Commissioners shall cause such sewers to communicate with and empty themselves into any public river, stream, canal, or watercourse, whether within or without the said Town, or shall cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its deposit, collection, and sale, and its application as manure for agricultural purposes or otherwise, as they shall deem most expedient, but so that the same shall in no case become a public nuisance or annoyance to the neighbourhood.

**XIII.** For the purpose of constructing any aqueducts for bringing water to the Town of Calcutta from any place without the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, or for the purpose of making sewers or drains to communicate with or empty themselves into any public sewer, lake, stream, canal, or water-course without the said limits, it shall be lawful, whenever a plan for any such aqueduct, sewer, or drain shall have been approved by the

Governor of Bengal, for every Commissioner, and for the Surveyor and Secretary to the Commissioners, with such Assistants as they may require, to exercise, in the construction of such aqueduct, sewer, or drain throughout the line of country through which the said aqueduct, sewer, or drain is to run, all the powers which by this Act it is lawful for them to exercise within the said local limits, and which may be necessary for the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any Magistrate of any district through which the said aqueduct, sewer, or drain is to run, in furtherance of the construction of such aqueduct, sewer, or drain, to do such acts within the limits of his own district as it is by this Act lawful for a Magistrate of the Town of Calcutta to do, in furtherance of any work to be executed by the said Commissioners within the said local limits.

**XIV.** It shall be lawful for the said Commissioners, instead of executing any of the works which by this Act they are authorized to execute by themselves, their servants, and assistants, to execute the same by contract with any individual or company who may be willing to undertake the same, and in that case it shall be lawful for such individual or company to exercise and enjoy all the powers and privileges which by this Act it is lawful for the said Commissioners to exercise and enjoy in the execution of any such works. Provided always, that no Commissioner or Officer, or servant of the Commissioners, shall be in any wise concerned or interested in any contract or work made with or executed for the Commissioners, and if any such Commissioner, or Officer, or Servant, be so concerned or interested, or shall, under colour of his office or employment, exact, take, or accept any fee or reward whatsoever, other than his proper salary, wages, fees, and allowances, he shall be incapable of afterwards holding or continuing in the office of Commissioner, or any office or employment under the Commissioners, and shall forfeit and pay the sum of Company's Rupees five hundred, which may be recovered by any person, with full costs of suit, by action of debt.

**XV.** The said Commissioners may, with the consent and approbation of the said Governor, contract and agree with any person for supplying the said Town, or any part thereof, with water, and may also, with the like consent and approbation, grant to any person contracting to supply the said Town, or any part thereof, with water, a lease, for any term not exceeding twenty-one years, of any water-works, machinery, streams, waters, lands, tenements, easements, rights, privileges, and advantages, belonging to or acquired by, or which may belong to or be acquired by or be vested in the said Commissioners, under any of the powers or authorities in this or any other Act contained, so as to enable such person or persons so contracting the more effectually and efficiently, to procure and supply water in pursuance of any such contract or agreement; and every such lease so to be granted by the said Commissioners may be made subject to such conditions and stipulations as to the supplying water, for the purposes of this Act, or any of them, as may be agreed upon between the respective parties thereto. Provided always, that no lease or contract made in pursuance of the powers hereinbefore contained shall be valid or effectual, for any pur-



pose whatsoever, unless the said Governor's approval of the same shall be testified by writing, endorsed on such lease or contract, under the hand of the Secretary to the Government of Bengal.

**XVI.** It shall be lawful for the said Commissioners, their Secretary, Surveyor, or other Officer, subject to the restrictions in this Act contained to enter upon the lands of any

Power to Commissioners to enter on lands adjacent to works, &c.

corporation or person adjoining to, or being within the distance of one hundred yards of the works by this Act authorized to be made, or any part thereof, for the purpose of depositing upon such lands, or any part thereof, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment tender, or deposit, the said Commissioners, their Secretary, Surveyor, or other Officer, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said lands to the owners and occupiers thereof, from time to time, and as often as any such temporary occupation shall be taken or any such temporary damage done, and making compensation to the owners also for the permanent injury (if any) to such lands; and in case the parties differ respecting the amount of the compensation, or the respective shares of several claimants of compensation, then and in every such case the said disputes respectively shall be settled and adjusted by arbitration, or by the verdict of a Jury, summoned and assembled in manner provided in Act No. XXII. of 1847. Provided always that before the said Commissioners make any such temporary use as aforesaid of the lands adjoining or lying near to the said works, they shall give fourteen days' notice of such their intention to the owners and occupiers of such lands, and shall separate and set apart by sufficient fences so much of the lands as shall be required to be used as aforesaid from the other lands adjoining thereto.

**XVII.** The said Commissioners, when executing any works hereby authorized to be made, shall, at their own expense, make and provide a sufficient number of convenient roads, ways, watering places, wells, water-courses, drains and channels for the irrigation and for the use of the adjoining lands, and for irrigating the same in those parts where the present roads, ways, watering places, wells, water-courses, drains, and channels shall and may be taken away or interrupted, injured, or rendered inconvenient or useless by reason of the execution of the said works, and in case of any difference arising between the said Commissioners and the owners of such adjoining lands, such difference shall be settled by arbitration, or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

**XVIII.** The said Commissioners shall make full compensation out of the rates and taxes to be levied by them to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, or their Officers or servants, under and by virtue of this Act.

**XIX.** It shall be lawful for the said Commissioners to direct any prosecution before any Court or Justice of the Peace for any public nuisance whatsoever which shall be

Power to Commissioners to prosecute in certain cases.

permitted, suffered or committed within the said Town, and to order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecutions and other proceedings to be paid and borne by and out of the funds placed at their disposal under the provisions of this or any other Act.

**XX.** It shall be lawful for the said Commissioners, if they shall not think fit to take any other proceedings prescribed by this Act, to prefer any bill of indictment or information, or to take any other proceedings against any person who shall obstruct or molest the said Commissioners, or their Secretary, Surveyor, or other Officer or servant, or any workman or other person employed by them in the performance and execution of their or his duty, under or by virtue or in consequence of this Act, or who shall steal, take, or carry away, or wilfully deface or injure any property, article, or thing belonging to the said Commissioners, and in every such case it shall be sufficient to state generally the property, article, or thing, in respect of which such proceeding shall have been taken, to be the property of the said Commissioners.

**XXI.** It shall be lawful for any of the Commissioners, their Secretary, Surveyor, Inspectors, Overseers, or any servants or persons employed by them, and for any Inspector of Police or policeman employed in the said Town, and such other person or persons whom he or they shall call to his or their assistance, without any summons, or warrant, or other authority than this Act, to seize and detain any unknown person who shall commit any offence against the provisions of this Act, and to take him immediately to a Police Station, where he shall be detained in default of Bail until he can be taken before any Justice of the Peace, who is hereby required to proceed and act with respect to such offender according to the provisions of this Act.

**XXII.** The Commissioners, or any one of them, or any person appointed by them for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place, kept or used for the sale of butcher's meat, poultry, fish, or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, or vegetables which may be therein, and in case any animal, carcase, meat, poultry, game, flesh, fish, or vegetables appear to be intended for the food of man, and to be unfit for such food, may seize, remove, and destroy the same, at the expense of the owner thereof, or the owner, occupier, or farmer of any such public market, bazar, or slaughter-house, or private shop or stall within the Town, wherein the same shall be exposed or allowed to be exposed for sale.

**XXIII.** The Commissioners or their Surveyor shall have full power and authority to remove or order the removal of any wall, fence, rail, post, or other obstruction or encroachment in any street or in or over any drain, sewer, or aqueduct, within the said Town, whether the proprietary right to such street drain, sewer, or

Power to Commissioners to remove obstructions in streets.

aqueduct shall be in dispute or not; provided always that nothing in this Act shall be construed to give the said Commissioners or their Surveyor power to remove such wall, fence, or other obstruction after the decree or order of any competent Court has declared the land, walled, fenced, or railed in, to be private property.

**XXIV.** When any private tank, or low marshy ground, shall appear to the Commissioners to be offensive to the neighbourhood or unwholesome, it shall be lawful for the said Commissioners to require, by notice in writing, the owner thereof to cleanse or fill up the same, and if the said tank shall remain uncleansed or not filled up for seven days after such notice, it shall be lawful for the said Commissioners to enter into and upon the adjoining lands, and to cleanse or fill up the said tank as they shall think fit, and the expense incurred thereby shall be paid by the owner of such tank, to be recovered in manner herein-after mentioned.

**XXV.** The Commissioners may affix on or to the wall of any house or compound, or in or to any wall within the said Town, as they shall think fit, any board or metal plate to indicate the name of the street in which such house, compound, or wall is situate, or any lamp for the purpose of lighting the street.

**XXVI.** It shall be lawful for the said Commissioners or their subordinate Officers, as they shall think fit, to kill and destroy, or to order to be killed and destroyed, all dogs that may be found loose in the said streets, and not accompanying their owners or some person in charge of them.

**XXVII.** The said Commissioners shall, so far as the funds at their disposal will admit, keep in good and sufficient repair every street now or at any future time existing in the said Town.

**XXVIII.** When any of the streets, sewers, or drains in the said Town are being made, or shall be under repair, the Commissioners or their Surveyor, or other subordinate Officer, shall take proper precautions against danger by shoring up and protecting the adjoining houses, and shall fix and place, or cause to be fixed and placed such and so many bars, chains, or posts across or in any of the said streets to prevent the passing and repassing of carriages, carts, or other vehicles, cattle or horses, during the time of such works and repairs being carried on as shall be necessary, and the said Commissioners and their said Surveyor shall cause any sewer or drain or other works, during the construction or repair thereof by them, to be well and sufficiently lighted during the night to prevent accidents.

**XXIX.** The said Commissioners, so far as the funds at their disposal will admit, shall provide lamps for lighting such parts of the said Town as the said Commissioners shall consider to require the same, and shall keep the said lamps in fit order for public use, and shall keep and employ a sufficient number of persons to cleanse, prepare, repair, and light the same, and shall also from time to time, as shall be required, increase or otherwise alter the number and situation of the said lamps, as to them shall appear necessary for the lighting of the said town.

**XXX.** The said Commissioners and their said Surveyor and other Officers shall cause all the public streets of the said Town, together with the foot-pavements or foot-paths therein, from time to time to be properly swept and cleansed, and all dust, dirt, soil, ashes, rubbish and filth of every sort which may be found thereon to be collected and removed therefrom at convenient hours and times, and shall cause all or any of the privies, cesspools, and drains within the said Town to be cleansed and emptied in a sufficient and proper manner by the owners or occupiers of the premises; and the said Surveyor or other subordinate Officer of the Commissioners shall give such orders and directions to the owners and occupiers aforesaid as to the said Surveyor or other Officer as aforesaid, acting under the orders and control of the said Commissioners, shall appear proper and necessary, and the said Commissioners may, in their discretion, order and direct where, and in what places, and how, and in what manner, the dust, dirt, soil, night soil, ashes, rubbish and filth collected in the said Town shall be deposited and disposed of.

**XXXI.** The owners of any private drains in the said town shall by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose, prevent as far as possible the effluvia of sewers and drains from exhaling from gully-holes, gratings, or any other openings whatsoever of drains or sewers in streets or other places, and in case the owner of any private sewer or drain shall neglect or delay so to do, the Surveyor of the said Commissioners shall give him notice to prevent as far as possible the effluvia of such sewer or drain from so exhaling, and if the same shall not be done by such owner within ten days after such notice shall have been given to him, the said Surveyor shall forthwith provide and apply proper traps or other coverings, or such other means as aforesaid, so as effectually to prevent such effluvia from exhaling, and the expense incurred thereby shall be paid by the owner of such sewer or drain, to be recovered in manner hereinafter mentioned.

**XXXII.** If upon the representation of the Surveyor of the Commissioners, and after inquiry by such other ways and means as the Commissioners may think fit to direct, the said Commissioners shall certify, (such certificate to be published in the *Calcutta Gazette* and in one of the English and Bengallee newspapers respectively usually circulated within the town,) that any burial-ground situated within the said town is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship within the town is dangerous to the health of persons frequenting the same by reason of the state of the vaults or graves within the walls of or underneath the same, and that sufficient means of interment exist within a convenient distance from such burial-ground, church, or place of public worship, it shall not be lawful, after a time to be named in such certificate, to bury or permit or suffer to be buried any further corpses or coffins in, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate, and whosoever after notice of such certificate buries or causes, permits,

or suffers to be buried any corpse or coffin contrary to this enactment, shall for every such offence be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Company's rupees five hundred.

**XXXIII.** No vault or grave shall be constructed or made within the walls of or underneath any church or other place of public worship built in the said Town after the passing of this Act, and no burial-ground shall be made or formed within the said Town after the passing of this Act without the consent of the Commissioners first had and obtained, and whosoever shall bury or cause, permit, or suffer to be buried any corpse or coffin in any vault, grave, or burial-ground constructed, made, or formed contrary to this enactment, shall for every such offence be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Company's rupees five hundred.

**XXXIV.** No writ or process shall be issued out against or served upon any Commissioners or any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners for anything done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at his office or place of abode, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause, and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant, and every such action shall be brought or commenced within three calendar months next after the accrual of the cause of action, and not afterwards, and if any party shall have committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act or by virtue of any power or authority hereby given, and if before action brought in respect thereof such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

**XXXV.** No matter or thing done, or contract entered into by the Commissioners, or any one of them, or by any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners, shall, if the matter or thing were done, or the contract were entered into *bona fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense incurred by any such Commissioners, Secretary, Surveyor, or other Officer or person acting as last aforesaid, shall be borne and repaid out of the funds under the control of the Commissioners.

**XXXVI.** All the streets existing within the said Town at the time of the passing of this Act, and all parts of the said Town which shall hereafter become streets, and also the pavements, stones and other materials therein, and all erections and building materials, implements or other things provided for the said streets, by or under the authority of the Government of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, and also all public sewers and drains within the said Town, together with all works, materials and things therewith connected and belonging, existing in the said Town at the time of the passing of this Act, or which shall hereafter be constructed and made therein by the said Commissioners or otherwise, and also all canals, aqueducts, conduits, tunnels, water works-cisterns, pumps, pipes, tanks, reservoirs and wells which now are or shall hereafter be provided or lawfully applied to public use, and which are not the property of any private person, together with all buildings, engines, works, materials and things therewith connected, existing in the said Town at the time of the passing of this Act, or which shall hereafter be constructed and made therein at the costs of the said Commissioners or otherwise, and also all lands surrounding and belonging to public tanks and slips of ground alongside of any street, drain or aqueduct not the property of any private person, and also all lands belonging to the late Lottery Committee and not legally appropriated, and also all dirt, dust, dry and liquid filth, ashes and rubbish to be collected from the streets, houses, privies, sewers and cess-pools and elsewhere within the said Town, shall be the property of and are hereby vested in the said Commissioners as Trustees for the purposes of this Act.

**XXXVII.** Nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be deemed and adjudged to be a nuisance at common Law, nor to exempt any person guilty of a nuisance at common Law, from prosecution or action in respect thereof. Provided always, that if any person convicted of an offence under this Act, shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof, or shall have suffered imprisonment in respect of such offence, in every such case he shall be released from all further or other criminal proceedings for the same offence.

**XXXVIII.** It shall be lawful for any person, at his own expense, to make or branch any drain into any of the sewers vested in the said Commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by the said Commissioners, such drain being made of such a size and in such a manner of communication in all respects as the said Surveyor of the said Commissioners shall direct, and for that purpose to take up and remove with the permission of the Commissioners so much of the pavement and other materials of any street as may be required, unless the said Commissioners shall consent and agree, which they are hereby authorized to do, to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street, and in case any per-

Streets, drains, filth, &c., the property of Commissioners as Trustees.

Act not to exempt parties guilty of nuisance from prosecution or action.

Parties may make branch drains into public sewers, as Surveyor of Commissioners shall order. Penalty for offences against this Section.



son shall make or branch any drain into any of the said sewers so vested in the said Commissioners, or authorized to be made, under and by virtue of this Act, of a different size or in a different manner and form of communication than shall be directed or appointed by the said Surveyor, every person so offending shall, for every such offence, forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding fifty rupees, and in default of payment shall be imprisoned for any period not exceeding one month, and the said Justice shall order the said person so offending to alter such drain as required by the said Commissioners within ten days, and in default the said Commissioners shall, at the expense of the maker of such drain, alter or destroy the same as they shall think fit, and in case the expense of making such alteration or destruction shall not be paid by the owner or maker of such drain, the expense incurred thereby shall be recovered in manner hereinafter mentioned.

**XXXIX.** It shall be lawful for the said Commissioners to contract and agree with the owners of any houses or other tenements within the said Town, that any drains required to be constructed and made by such owners shall be constructed and made by the Surveyor of the said Commissioners, and the cost price of making such drains, (as certified by the said Surveyor of the said Commissioners,) shall be repaid by such owners to the said Commissioners, and in default of such payment the same may be recovered in the manner hereinafter provided.

**XL.** Before beginning to dig or lay the foundations of any new house, building or wall within the said Town, or to rebuild any house, building, or wall therein, contiguous or near to any street and not being within the compound wall of any premises, and also before making any sewer or drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Commissioners, fourteen clear days' notice in writing shall be given to the Secretary to the said Commissioners by delivering the same to him or leaving it at his office by the person intending to build or re-build such house, building or wall, or to make such sewer or drain, and every foundation of any such house, building, or wall, and the drains within the same, shall be laid at such level as the Surveyor of the said Commissioners shall direct, and so as that no part of the said house, building, or wall shall project or encroach into or over the adjoining street, drain, or aqueduct, and so as that the said drains may be properly built with reference to the adjoining public drains, and every such branch drain shall be made in such direction, manner, and form, and of such materials and workmanship as the said Surveyor shall order, and the building or re-building of any such house, building, or wall shall be under the survey and control of the said Commissioners and their Surveyor so far as may be necessary to prevent any projection or encroachment in or over any street, drain, or aqueduct, and to insure that the level of the drains within such house, building, or wall shall be properly built with reference to the public drains; and in default of such notice as aforesaid, or if such building or drain shall be begun, or made without, or in any respect contrary to, any

order of the said Surveyor, or of the provisions of this Act, it shall be lawful for the said Commissioners to cause such building to be demolished, and to cause such drain to be re-laid, amended, destroyed, or re-made as the case may require, and to cause the expenses thereof to be levied and re-paid to them from and by the owner thereof in manner hereinafter provided.

**XLI.** Every person upon conviction before any Justice of the Peace, on the testimony of one or more credible witnesses, shall be liable to a penalty of not more than Fifty Rupees, or in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding one month, who, within the limits of the said Town, shall commit any one of the following offences; (that is to say,)

1. Every person who shall throw or put, or cause or order or allow his servants to throw or put, or from whose premises shall be thrown or put, any dirt, dung, mud, dust, ashes, garden or stable refuse, or rubbish of any kind, or the carcass of any dog or other animal, or any flesh or other part of an animal, or any animal matter, upon any of the public streets, except between the hours of midnight and seven in the morning.

2. Every person who shall throw or put, or cause or allow to be thrown or put, or from whose premises shall be thrown or put, any broken bottles, glass, china or crockery-ware upon or into any street, drain or aqueduct.

3. Every person who shall keep, or allow to be kept, for more than twenty-four hours, any dirt, dung, mud, dust, bones, ashes, night-soil, or other rubbish of a perishable and noisome kind in or upon any house, out-house, yard, or ground occupied by him.

4. Every person being the owner or occupier of any private tatty, drain, sewer, cesspool, tannery, or other receptacle of filth, who shall neglect or refuse to keep the same in a clean and proper state, or to employ proper means to remove any noisome smell or the filth therefrom, or who shall expose the contents of such privy to the view of the passers by in the street.

5. Every person being the owner or occupier of any house, hut, building, or lands, whether tenable or otherwise, who shall suffer the same to be in a filthy and unwholesome state, or overgrown with rank and noisome vegetation.

6. Every person who shall cause or allow the water of any sink, sewer, or drain or other offensive liquid matter belonging to him, or running through or being on his land, to run, drain, or be carried into or upon any of the streets, tanks, aqueducts, or reservoirs belonging to the Commissioners, or who shall commit or cause any act whatsoever whereby the water provided for the domestic use of the inhabitants of the town shall be in any way fouled or corrupted, or who shall throw or put, or cause or order or allow his servants to throw or put, or from whose premises shall be thrown or put, any dirt, dung, mud, dust, ashes, night-soil, garden or stable refuse or other rubbish, into any of the public sewers or drains, or into any reser-

voirs, tanks, aqueducts, or other water-works belonging to the Commissioners.

7. Every person who shall have or keep any common latrine, privy, or urinal, on any ground owned or occupied by him within the Town, without a licence first had from the Commissioners who are hereby authorized to grant the same under the hand of their Secretary; such licence shall be granted for one year, and shall be renewed or not every year according to the discretion of the Commissioners.

8. Every person being the owner or farmer of any licensed latrine, privy, or urinal within the said Town who shall suffer such latrine, privy, or urinal to be kept in a filthy and unclean state, or shall neglect to employ proper means for cleaning and regulating it.

9. Every person who shall wantonly or wilfully destroy, injure, or deface any of the lamps or street-lamps or lamp-posts in the said streets, or extinguish any light therein, or abstract or take away from any of the said lamps any oil or other matter or thing therein, or any part thereof, without the order of the said Commissioners or of their said Surveyor, or who shall wantonly or wilfully destroy, injure, or deface any board bearing on it the name of any street or the number of any building or land within the said Town, or any notice of the said Commissioners fixed or posted up in any place.

10. Every person who shall displace, take up, or make any alteration in the pavements, flags, stones, fences, posts, or other materials of any foot or carriage-way in any street, without the consent in writing of the said Commissioners or of their said Surveyor, or who shall cause any obstruction to or make any encroachments upon any street or upon any sewer, drain, aqueduct, or space of ground alongside a street, drain or aqueduct.

11. Every person who shall take down or remove any fences or boards, or any bars, chains, or posts erected by the said Commissioners, or extinguish any light attached to or connected with the said fences, boards, bars, chains, or posts without the authority or consent of the said Commissioners or their Surveyor.

12. Every person who shall carry or cause to be carried in carts, pots, handies, or other vessels any night-soil or urine, or other noisome or offensive matter through the public streets except between the hours of midnight and eight in the morning, or who shall carry or cause to be carried any night-soil or urine in such manner that any offensive smell or drainings issue therefrom, or who shall place or set down in any public place any vessel containing night-soil or urine, or who shall carry or cause the same to be carried in any other than covered carts or vessels, or who shall throw or deposit any night-soil in or upon any street.

13. Every person who shall bathe or wash any part of his person in any public street, or upon or in any of the tanks, reservoirs, aqueducts, water-works, or drains belonging to the Commissioners except in such of the said tanks, reservoirs, aqueducts, water-works, or drains as the Commissioners shall set apart for that purpose.

14. Every person who shall wash or cause to be washed any horse, dog, or other animal, or any cloth, wearing apparel, leather, or skin of any animal, or any foul or offensive thing on any street, in or near any tanks, reservoirs, aqueducts, water-works, or drains belonging to the Commissioners, or on or in the road adjoining thereto, except in such of the said tanks, reservoirs, aqueducts, water-works, or drains as the said Commissioners shall set apart for that purpose.

15. Every person who shall wilfully and indecently expose his person, or who shall commit nuisance in any of the public streets.

16. Every person being the owner or occupier of any house, hut, or building within the Town which has a drain on the same side of the street where-in such house, hut, or building is situate, who shall cause or allow any water, or liquid water from or on such house, hut, or building to flow or be carried through pipes, gutters, water-spouts or other means on any part of any public street, or on any place but his own land or the public drain, or who shall refuse or neglect to remove or alter the direction of any such pipe, gutter, or water-spout after the expiration of ten days' notice for that purpose given by the Surveyor of the said Commissioners; and any person being the owner or occupier of any house, hut, or building in the said Town, which has not a drain on the same side of the street as such house, hut, or building, who shall convey the water from the said house, hut, or building in or upon any public street, through pipes or water-spouts the mouths of which shall be higher than two feet from the ground.

17. Every person being the owner or occupier of any house, hut, or building, who shall cause or allow any verandah, balcony, sunshade, or other part of any house, hut, or building to overhang and project into any public street or public place at a height of less than eleven feet from the level of the roadway or to a distance exceeding four feet from the house, and who shall refuse or neglect to take down and remove such verandah, balcony, sunshade or other projection after the expiration of fifteen days' notice for that purpose given by the Surveyor.

18. Every person who shall, after the passing of this Act, erect or set up any verandah, balcony, sun-shade, or other projection of any kind which may overhang and project into the road at any height and to any distance without licence first obtained from the Commissioners under the hand of their Surveyor.

19. Every person who shall wash or cleanse, or cause or order or allow his servants to wash or cleanse any carriage or other conveyance, or horse or other animal, or whose carriage or other conveyance or horse or other animal shall be washed or cleansed in any public street or other public place.

20. Every person who shall place, set up, or build in any public street within the Town any board, scaffolding, post, bar, rail, boards, or other thing by way of inclosure for the purpose of making mortar or of

depositing, sifting, screening, or slackening any bricks, stone, lime, sand, or any other materials for building or repairing any house or other building, or for any other purpose whatsoever without licence first obtained from the Commissioners, who are hereby authorized to grant such licence, under the hand of their Surveyor, or who shall set up or build the same in any other manner, or allow or cause the same to be continued for any longer time than shall be allowed or expressed in such licence, or who shall cause or allow any of the building materials or other things to extend beyond the distance expressed in the licence.

21. Every person who shall have been allowed by the Commissioners to set up any scaffolding or deposit any bricks, stone, lime, sand, or other building materials on the public streets, and who shall not cause a light to be set up every night from sunset to sunrise on every such erection or obstruction.

22. Every person who shall build any wall, or erect any fence or obstruction, or set up any post so as to be an obstruction in any street, whether the proprietary right to such street shall be in dispute or not.

23. Every person who shall set out, place, or expose, or cause to be set out, placed, or exposed, whether for sale or otherwise any stall, booth, show-board, basket, cask, or meat, fish, vegetable, fruit, groceries, or any other merchandise or goods of any kind, or any stone, bricks, earthen-ware, hardware, timber, or any other thing whatsoever, whether animal, vegetable, or mineral, in or upon any of the public streets or in or over any drain, sewer or aqueduct.

24. Every person who shall sift or clean, or cause to be sifted or cleansed, or exposed for any other purpose any cotton, grain, seeds, rice, coffee, onions, or any other vegetable matter whatsoever, or who shall sift brick-dust or lime on any public street, or on or over any public drain, sewer, reservoir, or aqueduct.

25. Every person who shall keep or leave any carriage, cart, hackery, or other conveyance, or any horse, ox or other animal, on any public street or on or over any public drain, sewer, or aqueduct, so as to cause an obstruction in the streets or public thoroughfare.

26. Every person who shall set fire to or burn any straw, hay, seeds, timber, or any other matter, or light any bonfire or fire in any public street, or discharge any kind of fire-arms or any air-gun, or let off or throw any kind of fireworks or send up any fire-balloon any where in the said Town.

27. Every person who shall beat or sound any musical or sounding instrument, or any brass or metal utensil in the public streets, except at such times and places as shall be from time to time appointed by the Chief Magistrate upon application made to him for that purpose.

28. Every person, other than the said Commissioners or their servants, who shall affix any bill, notice, or any paper against or upon any building, wall, fence, or board, or who shall write upon, deface, or

mark with chalk, or paint, or in any way whatsoever, any building, wall, fence, or board without the consent of the owner or occupier thereof.

29. Every person who shall expose or allow to be exposed within the limits of the said Town any animal, carcase, meat, poultry, game, flesh, fish, or vegetables in a decayed and unwholesome state and unfit for the food of man.

30. Every person who shall slaughter or cut up any beast, sheep, swine, or other animal in any public street or so near thereunto that any blood or filth or other matter from the same shall flow or be carried into such street.

31. Every person being the owner, occupier or farmer of any public market, bazar, or slaughter-house, who shall keep or allow the same to be kept in a filthy and unclean state, and shall refuse or neglect, after the expiration of two days' notice to be given by the said Commissioners or their Surveyor, Overseer, or Bazar Inspector, to cause such market, bazar, or slaughter-house to be properly cleansed and the filth thereof removed.

32. Every person who shall keep in any street, house, out-house, yard, or in ground within the Town any swine or a flock of more than twenty sheep, goats or horned cattle.

XLII. It shall be lawful for the said Commissioners, with the concurrence of the Chief Magistrate, to set apart, at their discretion, certain of the public ghauts on the Calcutta bank of the river Hooghly for the purpose of being used as bathing places, and every person who shall by landing goods or merchandize at the said ghauts, or who shall by anchoring or otherwise fastening or keeping boats or vessels of any description in any manner obstruct or incommode the bathers at any such ghaut, shall be liable, on conviction before a Justice of the Peace, to a fine not exceeding fifty rupees, or, at the discretion of such Justice, to imprisonment for a period not exceeding one month.

XLIII. It shall be lawful for the said Commissioners, with the concurrence of the Chief Magistrate, at their discretion, to grant a licence to any person permitting him to put up posts on the side of any public street for the purpose of affixing thereon lamps to illuminate the said street on occasions of festivals or ceremonies; and any person who shall put up any such post, or affix any such lamp for any purpose, without license first had and obtained from the Commissioners under the hand of the Secretary or Surveyor, shall, on conviction thereof before a Justice of the Peace, be liable to a fine not exceeding one hundred rupees, and in default of payment, shall be imprisoned for any period not exceeding one month.

XLIV. Every person being the owner, occupier, or farmer of any public market, bazar, or slaughter-house within the Town, shall cause such market, bazar, or slaughter-house to be registered at the Office of the Commissioners, with a general description of the place, size, number of shops and stalls, and kinds of goods therein exposed for sale; and if he shall refuse or neglect so to register the same he shall forfeit and pay, on conviction before a Justice of the Peace, a sum not



exceeding one hundred rupees, and in default of payment thereof, shall be liable to be imprisoned for any period not exceeding one month.

**XLV.** No place shall be used or occupied as a slaughter-house, within the said Town, which was not in such use and occupation at the time of the passing of this Act, and has not so continued ever since, unless and until a licence for the erection thereof, or for the use and occupation thereof, as a slaughter-house has been obtained from the Commissioners, and every person who, without having first obtained such licence as aforesaid, shall use as a slaughter-house any place within the said limits not used as such at the time of the passing of this Act, and so continued to be used ever since, shall for every such offence forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding one month.

**XLVI.** Every person being the owner, occupier, Owners of bazars, tanneries, &c., shall have sufficient drains therein as shall be considered sufficient by the Commissioners, and shall have all the floors and drains paved with stone or burnt brick, and he shall have also therein a supply of water sufficient in the judgment of the Commissioners to keep the whole place in a clean and wholesome state at all times, and in default thereof for four weeks after notice given to him by the Surveyor, Overseer, or Inspector of Markets that such market, bazar, tannery, or slaughter-house is defective in any of the said particulars, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding two months.

**XLVII.** Any person who, after the passing of this Act, shall establish any new tannery or other manufactory within the said Town, from which an offensive or unwholesome smell may arise, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding two hundred rupees, and in default of payment shall be liable to be imprisoned for any term not exceeding two months.

**XLVIII.** All doors and gates put up after the passing of this Act within the limits of the said Town, and which open upon any street, shall be hung or placed so as not to open outwards; and if any such door or gate be hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do the Commissioners may make such alteration, and the expenses of such alteration shall be paid to the Commissioners by such occupier, and shall be recoverable from him in manner hereafter mentioned. And if any such door or gate was before the passing of this Act hung so as to open outwards upon any street, the Commissioners may alter the same, or cause the same to be altered, so that no part thereof when open shall project over any public way.

**XLIX.** Every person being the owner or occupier of a house in the Town shall fix at his own expense, in a conspicuous place outside of the house or of his gate, in the street, the number of the same as recorded in the assessment books, and no other number, and the said number shall be in legible figures at least three inches in length, and any person who, after the expiration of three months after the publication of this Act, shall neglect or refuse to have such number affixed, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding fifty rupees.

**L.** Every person being the occupier of a house in the said Town, and rated at a gross monthly rental of rupees seventy and upwards for the same, shall fix, at his own expense, in a conspicuous place outside of his house, or if the said house be in a compound, outside of his gate, in the street, a lamp, of a pattern to be approved or allowed by the Commissioners, and the said occupier shall keep and maintain a good and sufficient light burning in the said lamp throughout the night, and any person who, after the expiration of three months next after the passing of this Act, shall neglect or refuse to have such lamp affixed as aforesaid, or who shall on any night after the expiration of the said three months, neglect or refuse to keep a good and sufficient light burning therein as aforesaid, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding one hundred rupees.

**LI.** When any person shall have been convicted under the provisions of this Act, and shall not, within seven days after such conviction, discontinue the nuisance or cease to commit the offence for which he was so convicted, such person shall be again liable to the penalties and punishments provided by this Act for such nuisance or offence, and may be again convicted or sentenced under this Act accordingly, and in cases where by the provisions of this Act offenders are required to have notice given them to remove the obstruction or nuisance previous to being liable to the penalties imposed by this Act, if such parties being once warned shall be convicted, and shall again offend against the provisions of this Act, it shall not be necessary to repeat the notice aforesaid, but the parties may be summoned at once.

**LII.** Any person who shall wilfully obstruct or molest the said Commissioners or any of them, or their Secretary, Surveyor, or other Officer or Workman employed by them under the provisions of this Act, or any person or company with whom they may have contracted under the provisions of this Act, or any person employed by them in the performance or execution of any duty or thing which they are respectively required or authorized to do under this Act, shall for every such offence, on conviction before a Justice of the Peace, forfeit and pay any sum not exceeding one hundred rupees, or, in the discretion of the said Justice before whom he is convicted, to imprisonment with or without hard labor for a period not exceeding three months.

**LIII.** No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act for any offence complained of before a Justice of the Peace, unless the complaint respecting such offence

Number of house to be affixed to it

Occupiers to keep lamp lighted outside their gates in the streets.

Provision for repetition of offences.

Obstruction of Commissioners or their Officers.

No person liable for penalty unless complaint made within three months.

Penalty for making and using any new slaughter-house within the Town without the consent of Commissioners, &c.

Owners of bazars, tanneries, &c., shall have sufficient drains

Penalty for establishing any new tannery, &c., in Town.

Doors in future to be made to open inward, and doors opening outwards may be altered by the Commissioners.

shall have been made before such Justice within three months next after the commission of such offence. Provided always that nothing in this Section contained shall be construed so as to prevent the removal at any time of any obstruction or encroachment in or upon any of the streets or lands or the imposing or levying at any time of any penalty or forfeiture in respect thereof.

LIV. In all cases where any damages, costs, or expenses are by this Act directed to be paid, and the method of ascertaining the amount or of enforcing the paying thereof is not provided for, such amount in case of dispute shall be ascertained and determined by arbitration, in like manner as is provided for proceeding by arbitration under Act No. XXII. of 1847, and if the parties cannot agree upon two persons or arbitrators, or the arbitrators fail to pronounce their award as aforesaid, then by any two Justices of Calcutta, and if the amount so ascertained be not paid by the said Commissioners or by the other party liable to pay the same, as the case may be, within seven days after demand thereof, the amount may be recovered by action of debt or on the case in Her Majesty's Supreme Court of Judicature or the Calcutta Court of Small Causes.

LV. The said Commissioners shall publish short particulars of the several offences for which any penalty or punishment is imposed by this Act, affecting other persons than officers or servants of the said Commissioners, and of the amount of every such penalty and punishment, and shall cause such particulars to be painted on a board, or to be printed upon paper and posted on a board in English and Bengallee, and shall cause such board to be hung up or affixed in some conspicuous place in the Office of the Secretary of the said Commissioners, and when any such penalties are of local application shall cause such boards to be affixed in some conspicuous place of the immediate neighbourhood to which such penalties are applicable or have reference.

LVI. Every penalty or forfeiture imposed by this Act, or any expense incurred by the said Commissioners in respect of any private drains, sewers, doors, or other things as aforesaid, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before any Justice of the Peace of Calcutta, and on complaint being made to any such Justice, he shall issue his summons requiring the party complained against to appear before him at a time and place to be named in such summons, and every such summons shall be served on the party offending, either in person or by leaving the same at his usual or last known place of abode, and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for such Justice to proceed to the hearing of the complaint, which complaint shall be reduced to writing, and upon proof of the offence, or of the expense having been incurred, either by the confession of the party complained against or upon the oath or solemn affirmation of one credible witness or more, it shall be lawful for such Justice to convict the offender or party summoned as aforesaid, and upon such conviction to adjudge the offender to pay the penalty, or forfeiture, or suffer the punishment, or to pay the expense incurred under the provisions of this Act, as well as such costs attending the conviction as

such Justice shall think fit, which penalty or forfeiture and costs so adjudged may be levied by distress.

LVII. Where in this Act any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such sum of money and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained, or instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any penalties, forfeitures or expenses imposed or incurred under the provisions of this Act, the Commissioners or any one or more of them, if they think fit, may authorize their Secretary or other person to sue the person liable to pay such penalty, forfeiture, or expenses or any part thereof in the Calcutta Court of Small Causes; and the costs, if any, incurred in any such suit which are not recovered in the suit, may be defrayed out of the taxes levied under the provisions of Act X. of 1852.

LVIII. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action on the case in Her Majesty's said Supreme Court, or in the Calcutta Court of Small Causes.

LIX. The Justice of the Peace by whom any such penalty or forfeiture shall be imposed may, when the application thereof is not otherwise provided for, award not more than one-half thereof or any less sum to the informer, if he shall think fit so to do, and shall award the remainder or the whole thereof to the said Commissioners, to be by them applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the Secretary of the said Commissioners for that purpose, whose receipt shall be a good and sufficient discharge to the person so paying the same.

LX. If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and if the amount of such damage shall not be paid on demand, the same may be recovered by action of debt, or on the case, in the Calcutta Court of Small Causes, or in Her Majesty's said Supreme Court of Judicature.

LXI. It shall be lawful for any Justice of the Peace to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction under the provisions of this Act, at a time and place to be mentioned in such summons, and require from him on oath or solemn affirmation that he will testify the truth in such matter; and if any person

so summoned shall without reasonable cause refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, if from distance or any other cause he shall be lawfully entitled to claim such expenses, or if any person appearing shall refuse to be examined on his oath or solemn affirmation according to law, or to give evidence before such Justice, every such person shall for every such offence forfeit and pay a sum not exceeding two hundred rupees, or at the discretion of such Justice shall be imprisoned for any term not exceeding one month.

**LXII.** The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender only shall include females; the word "person" shall include corporations whether aggregate or sole; the words "oath," "affirmation," and "solemn affirmation," when used alone, shall include oath or affirmation or other declaration lawfully substituted for an oath in such case by any legislative Act of the Governor General of India in Council, or by any Act of the Parliament of Great Britain extended to India; the word "street" shall include any public square, circus, street, court, alley, foot-path, highway, lane, road, thoroughfare, public passage, or other public place within the said Town; the word "lands" shall include messuages, buildings, walls, tenements, and hereditaments of any tenure as well as lands; the words "the said Commissioners" shall mean the Commissioners for the time being appointed or acting under the provisions of Act No. X. of 1852, and the word "month" shall mean calendar month.

FRED. JAS. HALLIDAY,  
Secy. to the Govt. of India.

*Fort William, Home Department, Legislative,  
the 20th February 1852.*

The following Extract from the Proceedings of the Governor General of India in Council, in the Legislative Branch of the Home Department, under date the 20th February 1852, is published for general information :

Read a second time the Draft of a proposed Act, dated the 28th November 1851, and published in the *Calcutta Gazette* of the 3rd December 1851, to amend the mode of procedure in the Courts of the Sudder Amcens and Moonsiffs.

**Resolution.**—The Governor General in Council resolves, that the following amended Draft on the subject be published for general information :

ACT No. 291 OF 1852.

*An Act to amend the mode of procedure in the  
Courts of the Sudder Ameer and Mooniffs in  
the Bengal Presidency.*

Whereas it is desirable that the mode of procedure in original suits in the Courts of the Sudder Amceens and Mooniffa should be assimilated to the mode of procedure in such suits in the Courts of the Judges and Principal Sudder Amceens, It is hereby enacted as follows:

I. Sections XIX., XXI., XXII., XXIV.,  
XXVI. XXIX. XXXV. XXXVII.

Clauses 1, 2, 3 and 5 of Section XXV., and Section  
 LXXIII., so far as it extends Clauses 1, 2, 3, &  
 5 of Section XXV. and Section XXXV.  
 Sudder Ameen, of Regulation XXIII. of 1814  
 and Clause 5, Section V., Clause 3, Section X  
 of Regulation V. of 1831, and so much of Cla  
 3, Section VIII. of the said Regulation V.  
 1831, as relates to the Clauses and Sections  
 Regulation XXIII. of 1814, hereinbefore men  
 tioned, and Section VI. of the said Regulation  
 of 1831, except in so far as it rescinds Secti  
 LVII., LVIII., and LIX., of Regulation XXI  
 of 1814, all of the Bengal Code, are hereby  
 repealed.

11. All laws and rules now in force relating to the mode of procedure in the trial and decision of original Civil Suits in the Courts of Judges and Principal Sudder Ameens, shall apply to and regulate the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Sudder Ameens and Mooni

III. Sections XIII. and XXI. of Regulation III. of 1793, Sections VII. and XI., Regulation VII. of 1795, Sections XVII. and XIX., Relation II. of 1803, Sections VIII. and IX. Regulation VII. of 1832 of the Bengal Code, extended by Act XXI. of 1850 shall be applied to suits and cases in the Courts of the Moonsiff Clause 2, Section IV., Regulation XXVI. of 11 of the said Code, relating to reviews of judgment shall also be applicable to the Courts Sudder Ameen and Moonsiffs. Provided now that if a Sudder Ameen or Moonsiff shall be opinion that a review of his judgment ought to be granted, he shall report the case to the Judge who is hereby authorized to permit such review under the same rules as are prescribed by existing Regulations with respect to similar applications to the Court of Sudder Dewanny Adawlat.

IV. Every Sudder Ameen and Moonsiff al have power and authority to try suits in wh any Vakeel or Officer of his Court is a party, a thing in Section VIII., Act VI. of 1843, and Clause 2, Section XV., Regulation V. of 1831 the contrary notwithstanding; and suits un Clause 1, Section XXX., Regulation II. of 18 of the Bengal Code, may be referred to them the Zillah Judge for trial and decision under restrictions as to local jurisdiction and value property mentioned in Clauses 1, 2 and 3, Sect V., and Clause 2, Section XV., Regulation of 1831.

V. Nothing in this Act contained shall construed so as to repeal or otherwise affect rules regarding the dispensing with the use stamp paper on certain documents in the Cou of the Moonsiffs contained in Clause 2, Sect IX., Regulation V. of 1831, or the rules for proc ing the attendance of witnesses in the Cou of the Moonsiffs contained in Section II., XVII. of 1845.

VI. Applicants for execution of decrees shall file with their petitions an authenticated copy of the decree of which execution is sought to be taken out, and in such case it shall not be necessary to compare the petition with the decree contained in the original record of the suit, anything in Clause 7, Section XV. Regulation XXVI. 1814 to the contrary notwithstanding.

VII. Original suits referred to a Sud-  
Ameen under Clause 2, Section XV., Regulation  
V. of 1831, shall be tried and determined in con-  
formity with the Provisions of Regulation XX  
of 1814 and of this Act.



Section XV. Regulation V. of 1831, to the contrary notwithstanding.

VIII. Nothing in this Act contained shall be construed to affect the mode of procedure in any case pending in the Courts of the Sudder Ameens and Munsiffs at the time of the passing of this Act, but the mode of procedure in all such cases shall be governed by the law in force previous to the passing of this Act.

Ordered, that the Draft now read be re-considered at the first Meeting of the Legislative Council of India, after the 20th day of April 1852.

FRED. JAS. HALLIDAY,

Secy. to the Govt. of India.

Fort William, Home Department, Legislative  
the 20th February 1852.

The following Draft of a proposed Act was read in Council for the first time, on the 20th February 1852.

Act No. — of 1852.

An Act for the Registration of Assurances in the Territories under the Government of the East India Company.

Whereas the laws now in force in the Territories under the Government of the East India Company, relating to the Registration of Assurances, require amendment, It is hereby enacted as follows:

I. Regulations XXXVI of 1793, XXVIII. of 1795, XVII. of 1803, Section XVII. Regulation VIII. of 1805, so far as it relates to Regulation XVII. of 1803, Section XXXII., Regulation XII. of 1805 and Regulations XX. of 1812 and IV. of 1824 of the Bengal Code; Regulations XVII. of 1802 and XI. of 1831 of the Madras Code, and Regulation IX. of 1827 of the Bombay Code; and Acts XXX. of 1838, I. of 1843, XLX. of 1843, IV. of 1845 and XVIII. of 1847 are hereby repealed with respect to each of the Presidencies aforesaid from and after the commencement of Registration under this Act in such Presidencies respectively, but not so as to revive any other Regulation or Act thereby repealed.

II. One public office shall be established in each of the Towns of Calcutta, Madras, Bombay, Agra and Singapore, for the purposes of this Act, to be called "The Chief Register Office"; and one public office shall be established in each of the Districts to be formed and assigned as hereinafter mentioned, for the purposes of this Act, to be called "The District Register Office."

III. The Government of each Presidency or place within the said Territories shall provide and appoint, from time to time, proper buildings for such offices, in convenient places in such Towns and Districts.

IV. It shall be lawful for the Government of each Presidency or place, from time to time, to appoint for the said Chief Register Office, a Registrar, to be called the Chief Registrar, and an Assistant to such Chief Registrar, to be called "The Assistant Registrar," and it shall also be lawful for the said Government respectively, from time to time, to appoint, for each of the said District Offices, a Registrar, to be called "The District Registrar."

V. It shall be lawful for each of the said Chief Registrars and District Registrars to appoint for their respective offices such Clerks and subordinate Officers as may be allowed by the Government of each Presidency or place, and may be necessary for the execution of the duties to be performed in such offices, and at pleasure to remove them or any of them.

VI. Every Chief Registrar to be appointed as aforesaid shall be a Barrister at Law, or an Advocate of the Court of Sessions in Scotland, or a Solicitor of one of Her Majesty's Courts in India, or shall have acted as an Assistant or District Registrar for a period of seven years at least.

VII. In case of the illness, death, or temporary absence of a District Registrar, or during any temporary vacancy in the Office of such District Registrar, it shall be lawful for the Civil Judge of the said District to appoint such person as he shall think fit to act as District Registrar during such illness, absence, or temporary vacancy as aforesaid.

VIII. Every Chief Registrar, Assistant Registrar and District Registrar, and such of the Clerks and subordinate Officers, to be appointed as aforesaid as the Government of each Presidency or place shall see fit, shall give Security for the due performance of the duties of his or their respective Office or Offices, in such manner and to such amount as the said Governments shall respectively deem fit.

IX. Each of the said Registrars and District Registrars shall have and keep a Seal, and such Seal shall be supplied to each of the said Offices by the Government of the Presidency or place in which such Offices are respectively situate, and judicial notice shall be taken in all Courts of the impressions thereof, without any evidence of such Seal having been impressed, or any other evidence in relation thereto.

X. After the first appointment of the Chief Registrars aforesaid, the Chief Registrar of each Presidency or place in the said Territories shall, with all convenient speed, (with the consent of the Government thereof) divide such Presidency or place into Districts for the purposes of this Act, and the said Districts shall be of such extent as may, in his opinion, be convenient for facilitating searches in the separate Registers and Indexes to be kept as hereinafter mentioned for such Districts respectively.

XI. The Chief Registrar of each Presidency or place shall, at the expense of the Government of such Presidency or place, provide the Chief Register Office and each District Register Office therein with proper books for the Registers, Indexes and Receipts hereinafter mentioned.

XII. It shall be lawful for the Chief Registrar of each Presidency or place, with the consent of the Government thereof, by notice published in the Government Gazette, to appoint a time not earlier than three calendar months from the time of the publication of such notice,

when Registration under this Act shall commence ; and the time so appointed shall be the time of the commencement of Registration under this Act.

**XIII.** All Assurances executed after the commencement of Registration under this Act, by which any lands in the said Territories may be affected at Law or in Equity (except such Assurances as in Section XIV. mentioned) may be registered under this Act by the deposit of the original document, or, where there are duplicate original documents, of one of the duplicate original documents, in the Register Office of the District in which such lands are situate, and by the entry or entries hereinafter required being made in the proper Index or Indexes to be kept under this Act in such Office, and the several documents to be deposited in such Office shall, from time to time, be made up into books or parcels, and numbered and arranged, with references to the said Indexes, in such manner as the Chief Registrar of each Presidency or place may direct, and the said books or parcels shall be called "The Register of Title Deeds relating to Lands."

**XIV.** After the commencement of Registration under this Act, all leases or agreements for leases of any lands of any tenure, for any time not exceeding seven years, to commence from the date of such lease or agreement, or from any time not exceeding twelve calendar months from the date of such lease or agreement, in which a Rent shall be reserved or agreed to be reserved, or any Assurance, by which any such lease or agreement shall be assigned or otherwise affected, may be registered under this Act by the deposit of the original document, or when there are duplicate original documents, of one of the original documents, in the Register Office of the District in which such lands are situate, and by the entry or entries hereinafter required being made in the proper Index or Indexes to be kept under this Act in such Offices, and the several documents to be deposited in such Office under this Section shall, from time to time, be made up in parcels or books and numbered and arranged, with references to the said Indexes, in such manner as the Chief Registrar of each Presidency or place may direct, and the said books or parcels shall be called "The Register of Leases."

**XV.** All Assurances executed after the commencement of Registration under this Act, by which any money or moveable property may be affected at Law or in Equity, shall be registered under this Act by the deposit of the original document, or, where there are duplicate original documents, of one of the duplicate original documents in the Register Office of the District in which such Assurance is made, and by the entry or entries hereinafter required being made in the proper Index or Indexes to be kept under this Act in such Office ; and the several documents to be deposited in such Office shall, from time to time, be made up into books or parcels, and numbered and arranged, with references to the

said Indexes, in such manner as the Chief Registrar of such Presidency or place may direct, and the said books or parcels shall be called "The General Register." Any such Assurance may also be registered in manner aforesaid in the Register Office of any other District where any other Assurance affecting the same money or moveable property is registered.

**XVI.** All Assurances executed after the commencement of Registration under this Act, by which any lands in the said Territories and also money or moveable property may be affected at Law or in Equity, shall be registered as hereinbefore mentioned in "the Register of Title Deeds relating to Lands," unless such lands are so affected by way of lease or agreement for lease only, in which case such Assurances shall be registered as hereinbefore mentioned in "the General Register," and all such Assurances registered in "the General Register of Title Deeds relating to Lands" shall be indexed as hereinafter provided by Section L. of this Act.

**XVII.** Every Assurance registered as herein-mentioned shall be marked by the District Registrar of the Office in which the same is registered, with the day and time of the day when the same was deposited as aforesaid.

**XVIII.** Where there are duplicate original Assurances and one duplicate thereof is duly stamped, the other duplicate shall be exempted from stamp duty if registered under this Act ; but the Registrar, before he registers any unstamped Assurance, shall satisfy himself that the duplicate thereof is duly stamped, and all memorials and copies to be registered pursuant to this Act, and all copies and extracts of or from any of the documents to be deposited in the Register Office, and all extracts from any of the Indexes to be kept at the Register Office, and all certificates of the result of searches in the said Indexes, and all requisitions for such copies, extracts and searches respectively, shall be exempt from stamp duty.

**XIX.** Every person who deposits an Assurance for Registration as aforesaid shall be entitled to receive from the Registrar of the Office in which the same is deposited, a receipt acknowledging such deposit and the day and time of the day when it was made, the date of the Assurance, the names of the parties thereto, and the entries in the proper Index or Indexes in which the same has been indexed. The Government of each Presidency or place shall furnish each District Registrar therein with receipt books for this purpose, and the receipts therein shall be according to the forms in Schedule A. to this Act annexed, or to the like effect, as the case may be, and every such receipt and the counterfoil thereof shall be numbered in order from the beginning to the end of the book, each receipt and the counterfoil thereof bearing the same number, and the Registrar shall sign both the receipt and the counterfoil thereof, and shall cut off and deliver to the depositor the counterfoil receipt on the right hand of the said receipt book, retaining the other receipt in the book for reference in the Office.

**XX. All Assurances executed after the commencement of Registration under this Act, and mentioned and described in Sections XIII. and XIV. shall be registered in the Register of Title Deeds relating to Lands, "or in the Register of Leases," as the case may be, of the District in which the lands are situate, and in the Registers of no other Districts, and every Assurance not affecting lands but only money or moveable property shall be registered in "the General Register" of the District in which such Assurance is made, and also, if the parties think fit, in "the General Register" of any other District where any other Assurance affecting the same money or moveable property is registered.**

Deeds to be registered only in the District where lands affected thereby are situate. In the case of moveable property in the District where Assurance is made.

Registers of no other Districts, and every Assurance not affecting lands but only money or moveable property shall be registered in "the General Register" of the District in which such Assurance is made, and also, if the parties think fit, in "the General Register" of any other District where any other Assurance affecting the same money or moveable property is registered.

**XXI. Every decree or order of any Court made after the commencement of Registration under this Act, whereby any estate or interest in lands in the said Territories is created, declared, transferred, or otherwise affected, and also every decree or order of any Court, made after such commencement, by which any suit, decree, or order as aforesaid is varied or reversed, shall for the purposes of this Act be considered an Assurance affecting such lands, and may be registered as aforesaid in "the Register of Title Deeds relating to Lands" or in "the Register of Leases," as the case may be, of the District in which such lands are situate, and in every such case the document to be deposited shall be a memorial of the decree or order, which memorial shall express the date of the decree or order, and the title of the cause wherein the same purports to be made, and shall also set forth the decree, or order, or so much thereof as relates to the estate or interest created, declared, transferred, or affected by the decree or order to be registered, or by the decree or order which is varied or reversed by the decree or order to be registered (as the case may be), and every such memorial as aforesaid shall, previously to the same being deposited in the Register Office, be examined with the decree or order by the Registrar or by some Clerk authorized to give out an office copy of such decree or order, and shall be certified by the signature of such Registrar or Clerk, and every such Registrar or Clerk is hereby required to examine any such memorial and to certify the same by his signature, at the request of any person upon being paid the sum of one rupee and eight annas.**

Decrees affecting lands may be registered.

made after the commencement of Registration under this Act, whereby any estate or interest in lands in the said Territories is created, declared, transferred, or otherwise affected, and also every decree or order of any Court, made after such commencement, by which any suit, decree, or order as aforesaid is varied or reversed, shall for the purposes of this Act be considered an Assurance affecting such lands, and may be registered as aforesaid in "the Register of Title Deeds relating to Lands" or in "the Register of Leases," as the case may be, of the District in which such lands are situate, and in every such case the document to be deposited shall be a memorial of the decree or order, which memorial shall express the date of the decree or order, and the title of the cause wherein the same purports to be made, and shall also set forth the decree, or order, or so much thereof as relates to the estate or interest created, declared, transferred, or affected by the decree or order to be registered, or by the decree or order which is varied or reversed by the decree or order to be registered (as the case may be), and every such memorial as aforesaid shall, previously to the same being deposited in the Register Office, be examined with the decree or order by the Registrar or by some Clerk authorized to give out an office copy of such decree or order, and shall be certified by the signature of such Registrar or Clerk, and every such Registrar or Clerk is hereby required to examine any such memorial and to certify the same by his signature, at the request of any person upon being paid the sum of one rupee and eight annas.

**XXII. Every decree or order of any Court, made after the commencement of Registration under this Act, whereby any right or interest in money or moveable property only is created, declared, transferred, or otherwise affected, and also every decree or order of any Court, made after such commencement, by which any such decree or order as aforesaid is varied or reversed, shall, for the purposes of this Act, be considered an Assurance, and may be registered as aforesaid in "the General Register" of the District in which such Court is situate, and, if the party registering such decree shall think fit, in "the General Register" of any other District where any other Assurance affecting the same money or moveable property is registered, and in every such case the document deposited shall be a memorial of the decree or order, which shall be in such form, and shall contain the same particulars as are required by the last Section with respect to memorials of decrees affecting**

Decrees affecting moveable property may be registered.

after the commencement of Registration under this Act, whereby any right or interest in money or moveable property only is created, declared, transferred, or otherwise affected, and also every decree or order of any Court, made after such commencement, by which any such decree or order as aforesaid is varied or reversed, shall, for the purposes of this Act, be considered an Assurance, and may be registered as aforesaid in "the General Register" of the District in which such Court is situate, and, if the party registering such decree shall think fit, in "the General Register" of any other District where any other Assurance affecting the same money or moveable property is registered, and in every such case the document deposited shall be a memorial of the decree or order, which shall be in such form, and shall contain the same particulars as are required by the last Section with respect to memorials of decrees affecting

lands, and every such memorial as aforesaid shall be examined by such persons, and in such manner, and upon payment of such charge, as is provided by the last Section.

**XXIII. Any person claiming any interest under any equitable mortgage affecting any lands in the said Territories, made by deposit of Title Deeds, after the commencement of Registration under this Act, may register in the Register Office of the District in which such lands are situate, a memorandum containing a description of the lands and the names of persons by and with whom respectively the Title Deeds are deposited, and expressing the principal sum of money secured by such equitable mortgage, or, in case the total amount of the principal money secured or to be ultimately recoverable upon such equitable mortgage be limited not to exceed a given sum, the total amount of such money, or, in case the money secured by such equitable mortgage be without any limit, that the money secured by such equitable mortgage is unlimited, and, in every such case, the memorandum to be so registered shall, for the purposes of this Act, be considered an Assurance affecting such lands, and shall be registered in "the Register of Title Deeds relating to Lands."**

Equitable mortgage by deposit of deeds may be registered.

under any equitable mortgage affecting any lands in the said Territories, made by deposit of Title Deeds, after the commencement of Registration under this Act, may register in the Register Office of the District in which such lands are situate, a memorandum containing a description of the lands and the names of persons by and with whom respectively the Title Deeds are deposited, and expressing the principal sum of money secured by such equitable mortgage, or, in case the total amount of the principal money secured or to be ultimately recoverable upon such equitable mortgage be limited not to exceed a given sum, the total amount of such money, or, in case the money secured by such equitable mortgage be without any limit, that the money secured by such equitable mortgage is unlimited, and, in every such case, the memorandum to be so registered shall, for the purposes of this Act, be considered an Assurance affecting such lands, and shall be registered in "the Register of Title Deeds relating to Lands."

**XXIV. Where by reason of the non-payment of purchase-money a vendor has, after the commencement of Registration under this Act, acquired a lien for such purchase-money on any lands in the said Territories, any person claiming an interest in such lien may register a memorandum containing such particulars of the conveyance by the vendor as are sufficient to identify the same, and also containing a description of the lands, and expressing the amount of the money for which a lien is claimed, and in every such case the memorandum to be so registered shall, for the purposes of this Act, be considered an Assurance affecting such lands, and shall be registered in "the Register of Title Deeds relating to Lands" of the District in which such lands are situate.**

Lien by reason of non-payment of purchase-money may be registered by depositing a memorandum.

of purchase-money a vendor has, after the commencement of Registration under this Act, acquired a lien for such purchase-money on any lands in the said Territories, any person claiming an interest in such lien may register a memorandum containing such particulars of the conveyance by the vendor as are sufficient to identify the same, and also containing a description of the lands, and expressing the amount of the money for which a lien is claimed, and in every such case the memorandum to be so registered shall, for the purposes of this Act, be considered an Assurance affecting such lands, and shall be registered in "the Register of Title Deeds relating to Lands" of the District in which such lands are situate.

**XXV. In the several cases provided for by the four immediately preceding Sections, the Assurance to be registered shall, for the purposes of this Act, be considered to have been made by the person whose right or interest in the lands or property shall be bound or affected by the decree or order, the equitable mortgage, or the lien (as the case may be) and subject to the Regulations to be made under this Act, the same entry or entries shall be made on registering such Assurances as would have been required if the lands or property affected by the decree or order, the equitable mortgage, or the lien (as the case may be) had been so affected by the grant, conveyance, or assignment of such person.**

The Assurance to be considered to have been made by the person whose right, &c., in the lands, &c., shall be bound by the decree, &c.

the four immediately preceding Sections, the Assurance to be registered shall, for the purposes of this Act, be considered to have been made by the person whose right or interest in the lands or property shall be bound or affected by the decree or order, the equitable mortgage, or the lien (as the case may be) and subject to the Regulations to be made under this Act, the same entry or entries shall be made on registering such Assurances as would have been required if the lands or property affected by the decree or order, the equitable mortgage, or the lien (as the case may be) had been so affected by the grant, conveyance, or assignment of such person.

**XXVI. Any Will by which lands in the said Territories may be affected at Law or in Equity, where the testator dies after the commencement of Registration under this Act, may be registered by the deposit of the original Will, or (where there are duplicate original Wills) of one of the duplicate original Wills in the Register Office of the District in which such lands are situate, and any Will by which only money or**

Registration of Wills.

Any Will by which lands in the said Territories may be affected at Law or in Equity, where the testator dies after the commencement of Registration under this Act, may be registered by the deposit of the original Will, or (where there are duplicate original Wills) of one of the duplicate original Wills in the Register Office of the District in which such lands are situate, and any Will by which only money or



moveable property is affected, where the testator dies as aforesaid, may be registered by the deposit of the original Will, or (where there are duplicate original Wills) of one of the duplicate original Wills, in the Register Office of the District in which the testator died; or if any such Will as aforesaid be proved, or Letters of Administration with such Will annexed be granted in any Court in the said Territories having jurisdiction for the Probate of Wills, and such Will be deposited in such Court, the same may be registered under this Act by the deposit in the proper Register Office as aforesaid of a memorial of such Will, mentioning the name of the testator with his addition (if any) as set forth in the Will, and the Court in which, and the time when, such Will was proved or such Letters of Administration granted, or by the deposit in such Office of an office or authenticated copy of the Will duly certified by the Registrar or other Chief Officer of the Court in which such Will was proved or Letters of Administration granted; or if such Will be proved, or Letters of Administration with such Will annexed be granted in any Court having jurisdiction for the Probate of Wills in the United Kingdom, or elsewhere out of the said Territories, such Will may be registered under this Act by the deposit in the proper Register Office as aforesaid of a copy of the same; and the copy to be so deposited shall, where there is any Officer authorized to give out an office or authenticated copy from the office or place of deposit of such Will, be an office or authenticated copy duly certified by such Officer, and all such Wills or Memorials by which lands in the said Territories are affected at Law or in Equity shall be considered as Assurances affecting such lands within the meaning of this Act, and may be registered as hereinbefore mentioned in "the Register of Title Deeds relating to Lands" and all such Wills or Memorials by which only money or moveable property is affected at Law or in Equity, shall also be deemed Assurances, and shall be registered in "the General Register."

**XXVII.** Where any person, having power to affect by Will lands money, or moveable property in the said Territories, dies after the commencement of Registration under this Act, intestate, Letters of Administration or Certificates granted under Act XX. of 1841, in respect of the estate and effects of such person, may be registered under this Act by the deposit in the Register Office of an office extract of such Letters or Certificates, and any person who claims as heir, representative, or otherwise any estate, property, or interest in such lands, money, or moveable property which might have been defeated or affected by the Will of any person dying after the commencement of Registration under this Act, and believes such person to have died intestate, or intestate as to such lands, money, or moveable property, may make and register an Affidavit, hereinafter referred to as an Affidavit of intestacy, stating that the deponent claims such estate or interest, and stating the time of the death of such deceased person, and that the deponent believes that such deceased person died without a Will, or without any Will other than any Will in such affidavit mentioned; and all such Letters of Administration, Certificates, Extracts, and Affidavits relating to or in any way affecting any lands shall be deemed Assurances within the meaning of this Act, and shall be deposited and registered as

hereinbefore directed in "the Register of Title Deeds relating to Lands" of the District in which such lands are situate, and all such Letters of Administration, Certificates, Extracts and Affidavits, relating to or affecting only money or moveable property, shall also be deemed Assurances within the meaning of this Act, and shall be registered as hereinbefore directed in "the General Register" of the District where such deceased person as aforesaid died.

**XXVIII.** Every written authority given by Authority to any husband to a wife to adopt adopt a son may after his decease any son, such be registered authority being so given after the commencement of Registration under this Act, may be registered by the deposit of the original authority, or (where there are duplicate original authorities) of one of the duplicate original authorities, and every such written authority shall be deemed an Assurance. Where any estate or interest in land may be affected by virtue of such adoption, the written authority shall be registered as hereinbefore mentioned in "the Register of Title Deeds relating to Lands" of the District in which the lands are situate, and where only interests in money or moveable property may be affected by such adoption, such written authority shall be registered as hereinbefore mentioned in "the General Register" of the District in which such husband died.

**XXIX.** Where the original document or (if there be duplicates) the several original documents is or are destroyed or lost, a copy of or (in cases where no copy is known to exist) an extract from the original document, or of or from any one of the duplicate original documents, may, on registering the Assurance, be deposited in the Register Office in lieu of an original document, and thereupon the Registration of the Assurance shall (so far as respects depositing a document) be as valid and effectual as if an original document had been deposited in the Register Office; provided always, that in every such case an Affidavit of the destruction or loss of the original document, or (if there have been duplicate originals) of the destruction or loss of the several original documents, and (where an extract only is deposited) of the non-existence, to the best of the deponent's belief, of any copy of the original document or of any one of the original documents (as the case may be) shall be brought to the Register Office with the said copy or extract to be deposited as aforesaid, and shall be deposited together with the same in the Register Office. Provided always, that in the case of a copy or extract, the Registration of an Assurance shall be effectual only so far as such copy or extract extends, and so far as the same substantially and in material respects agrees with the original document.

**XXX.** Where any order or rule is made by any Judge or Court as herein-after mentioned respecting the delivery or sending of any document, or copy, or extract, at or to a Register Office for the purpose of being registered, and the same is not delivered or sent within such time as by such order or rule may be limited in that behalf, such order or rule may be registered in the Register Office, and the registration

thereof shall be of the like force and effect as the registration of such document, copy, or extract.

**XXXI.** Every petition for adjudication of Insolvency in the said Territories filed of record after the commencement of Registration under this Act, may be registered under this Act by the deposit in the

*Petitions for adjudication of insolvency and appointment of Assignees may be registered.*

Register Office of a memorandum, mentioning the Court in which, and the time when, such petition was filed, and the name and place of residence or business of the person against whom such petition is presented, as the same are set forth in the petition, and by the entry hereinafter required being made in the proper Index to be kept in the Register Office; and every appointment or choice of Assignees of any Insolvent in the said Territories made after such commencement, may be registered under this Act by the deposit in the Register Office of the District in which such Assignees are appointed of an office copy of the Certificate of such appointment or choice, and by the entry hereinafter required being made in the said Index; and all such memoranda and copies as aforesaid shall be deemed Assurances within the meaning of this Act. Where any lands may be affected at Law or in Equity by such adjudication or appointment as aforesaid, the same shall be registered as hereinbefore mentioned in "the Register of Title Deeds relating to Lands" of the District in which such lands are situate; and where only money or moveable property may be affected at Law or in Equity by such adjudication or appointment, the same shall be registered in "the General Register" of the District in which such petition is to be adjudicated.

**XXXII.** Where by virtue of any vesting or other order made after the commencement of Registration under this Act by any Court, Commissioner, or Judge in the said Territories having jurisdiction in that behalf,—or of any nomination, appointment, or choice of any Official or other Assignee made after such commencement by such Court, Commissioner, or Judge, or by the Creditors of any Insolvent Debtor,—the Estate and Effects of any Insolvent Debtor become vested in any such Assignee, every such order, nomination, appointment, or choice, may be registered under this Act by the deposit in the Register Office of an office or authenticated copy or certificate of such order, nomination, appointment, or choice, and by the entry hereinafter required being made in the proper Index in the Register Office; and all such copies and certificates shall be deemed Assurances within the meaning of this Act; and where any lands may be affected at Law or in Equity by such order, nomination, appointment, or choice, the same shall be registered in "the Register of Title Deeds relating to Lands" of the District where such lands are situate; and where only money or moveable property may be affected at Law or in Equity by such order, nomination, appointment, or choice, the same shall be registered in "the General Register" of the District in which such order, nomination, appointment, or choice is made.

**XXXIII.** All requisitions for Inhibitions against alienation hereinafter mentioned, and the respective Affidavits delivered therewith, and all Caveats hereinafter mentioned, affecting

any lands at Law or in Equity, shall be considered Assurances within the meaning of this Act, and may be registered by the deposit thereof in "the Register of Title Deeds relating to Lands" of the District in which such lands are situate; and all requisitions for Inhibitions against alienation and the respective Affidavits delivered therewith, and all Caveats, affecting only money or moveable property, shall also be deemed Assurances, and may be registered by the deposit thereof in "the General Register" of the district in which the Assurance sought to be affected by any use, trust, or confidence mentioned in such requisition, or by any such Caveat, is or is about to be registered; and all such Affidavits delivered with such requisitions for Inhibitions shall be numbered in the respective Registers with the same number as the requisitions.

**XXXIV.** None of the provisions of this Act shall extend to such Assurances relating to shares in companies not to be affected, or private works or undertaking of any Corporation, Company, or Society, as by virtue of any local or other Act, are required to be registered, or otherwise entered or minuted in the books of the Corporation, Company, or Society.

*Bills of exchange and promissory notes not to be affected by this Act.*

**XXXV.** None of the provisions of this Act shall be construed to extend to bills of Exchange or Promissory Notes.

**XXXVI.** There shall be provided and kept in each District Register Office in the said Territories, four Indexes of "the Register of Title Deeds relating to Lands," to be respectively intitled, the Index of Titles, the Index of the Names of Grantors, the Index of Testators and Intestates, and the Index to Insolvents; and the said four Indexes shall respectively be made and kept as next hereinafter mentioned.

**XXXVII.** All Assurances to be registered under this Act, by which any lands may be affected as aforesaid, shall be indexed in "the Index of Titles" to the "Register of Title Deeds relating to lands," under heads to be respectively designated by numbers or names of Villages or Mohals or otherwise, as the Registrar may think fit; and every entry in the said Index shall express the year and the day of the month when the same is made, and the book or parcel in which the document deposited in the Register Office is made up, and the number of such document in such book or parcel, and such other particulars as under any Regulations to be made as hereinafter mentioned may be directed.

**XXXVIII.** "The Index of the names of Grantors" to "the Register of Title Deeds relating to lands," shall be an alphabetical index of the names of such Grantors, and, save where otherwise provided by the regulations to be made under this Act, the name of the Grantor in the Assurance, with his addition (if any) as set forth therein, shall be entered in the Index of the names of Grantors for the district, and an entry shall be made opposite to the name so entered, which entry shall contain a reference to the head under which such Assurance is indexed in the Index of Titles, and where the lands affected by the Assurance are situate in more than one district, like entries shall be made in the Index of the names of Grantors for each such district.

**XXXIX.** "The Index of Testators and Intestates" to "the Register of Title Deeds relating to lands" shall be an alphabetical index of such testators and intestates, and where any will, letters of administration, certificate, or affidavit of intestacy is or are registered under this Act, an entry of the name of the testator or intestate, with his addition, if any, as set forth in the will, letters of administration, certificate or affidavit, shall be made in such index, and opposite to the name of every testator or intestate, whose name is so entered, an entry shall be made, expressing the year and day of the month when such entry is made, and the nature of the document deposited, and the book or parcel in which the will, memorial, copy, office extract of letters of administration, or certificate, or affidavit, is made up, and the number thereof in such book or parcel, and such other particulars as under any Regulations to be made as hereinafter mentioned may be directed.

**XL.** "The Index to Insolvents" to "the Register of Title Deeds relating to lands" shall be an alphabetical index of such Insolvents, and where any petition for adjudication of Insolvency, appointment, or choice of Assignees, or any vesting or other order or nomination in any Insolvency, is registered under this Act, an entry of the name of the person against whom the petition is presented, or of the Insolvent, with the addition (if any) of such person or insolvent as set forth in the memorandum, copy, or certificate deposited as aforesaid, shall be made in the said Index to Insolvents; and opposite to the name of every Insolvent whose name is so entered an entry shall be made, expressing the year and day of the month when the same entry is made, and the book or parcel in which the said memorandum, copy, or certificate has been made up, and the number of the same in such book or parcel, and such other particulars as under any regulation to be made as hereinafter mentioned may be directed.

**XLI.** The Government of each Presidency or place may cause to be provided for the several districts therein, such Maps as they may approve and deem sufficient for the purposes of registration under this Act, and for providing such Maps may cause to be made or adopted copies, with such additions, omissions, or variations, as they may think fit, of such of the Maps made for the Revenue Survey, or by the Trigonometrical Survey, or of such other existing Maps as they may think sufficient, or may cause, in any case, new Maps to be made for the whole or part of any district; and the Maps to be provided or adopted as aforesaid shall be deposited and kept in the respective District Register Offices, and shall be used for the purposes of this Act; and the Chief Registrar of each Presidency or place respectively, with the consent of the Government thereof, shall cause to be made for each district an Index or Indexes, in such form as he may approve, of the several lands in the district, having reference to the Map or Maps thereof to be used for the purposes of this Act, and shall make provisions and Regulations for insertion from time to time, in the Indexes for the several districts, of the names or short descriptions of the Villages

or other estates of whatever tenure therein respectively as cannot be conveniently indicated by reference to such Maps; and the Index or Indexes so to be made for each district shall be deposited and kept in the district Register Office, and shall be "the Land Index" of such District for the purposes of this Act; and from and after the period when such Maps are provided, and such Index or Indexes having references thereto are made as aforesaid in any district, it shall and may be lawful for the Chief Registrar of each Presidency or Place (with the consent of the Government thereof), in his discretion, to make regulations for the discontinuance in such district of "the Index of Titles" to "the Register of Title Deeds relating to lands."

**XLII.** In districts where a Land Index is made and an Index of Titles is also continued, if an entry of an Assurance is made in the Index of Titles, an entry shall be made in "the Land Index" for the same district, opposite to the name or number of such land, which entry in the Land Index shall contain a reference to the entry in the Index of Titles, and the said Land Index shall contain such other particulars as under any Regulations to be made as hereinafter mentioned may be directed.

**XLIII.** There shall be provided and kept in each District Register Office in the said Territories, two Indexes of "the Register of Leases," to be respectively intitled "the Index of Titles" and "the Index of Lessors," and the said two Indexes shall respectively be made and kept as next hereinafter mentioned.

**XLIV.** All Leases or agreements for Leases, or other Assurances by which such Leases or Agreements shall be assigned or affected, shall be Indexed in "the Index of Titles" to "the Register of Leases," under heads, to be respectively designated by numbers, or names of Villages, or Estates, or otherwise as the District Registrar may think fit, or as may be directed by the Regulations hereinafter mentioned; and every entry in such Index shall express the year and day of the month when the same is made, and the book or parcel in which the document deposited in the Register Office is made up, and the number of such document in such book or parcel, and such other particulars as under any Regulations to be made as hereinafter mentioned may be directed.

**XLV.** "The Index of the names of Lessors" to "the Register of Leases" shall be an alphabetical Index of the names of such Lessors, and the name of the Lessor in the Lease or assignment, with his addition, if any, as set forth therein, shall be entered in such Index, and an entry shall be made, opposite to the name to be so entered, which entry shall contain a reference to the head under which such Lease is indexed in the Index of Titles, and such other particulars as under any Regulation to be made as hereinafter mentioned may be directed; and when the lands affected by such Lease are situate in more than one district, like entries shall be made in the Index of each such district.

**XLVI.** There shall be provided and kept in each District Register Office in the said Territories, three Indexes of "the General Register," to



be respectively intituled, the Index of the names of Grantors, the Index to Testators and Intestates, and the Index to Insolvents, and the said three Indexes shall respectively be made and kept as next hereinafter mentioned.

**XLVII.** The "Index of the names of Grantors" to "the General Register," shall be an alphabetical Index of such Grantors, and, save where otherwise provided by the Regulations to be made under this Act, shall be made and kept in the manner and form hereinbefore provided for the making and keeping of the "Index of the names of Grantors," to "the Register of Title Deeds relating to lands," or as near thereto as circumstances will permit, and shall contain such other particulars as under any Regulation to be made as hereinafter mentioned shall be directed.

**XLVIII.** "The Index of Testators and Intestates" to "the General Register" shall be an alphabetical Index of such Testators and Intestates, and, save where otherwise provided by the Regulations to be made under this Act, shall be made and kept in the manner and form hereinbefore provided for the making and keeping of "the Index of Testators and Intestates" to "the Register of Title Deeds relating to lands," or as near thereto as circumstances will admit, and shall contain such other particulars as under any Regulation to be made as hereinafter mentioned shall be directed.

**XLIX.** "The Index of Insolvents" to "the General Register," shall be an alphabetical Index of such Insolvents, and, save where otherwise provided by the Regulations to be made under this Act, shall be made and kept in the manner and form hereinbefore provided for the making and keeping of "the Index of Insolvents" to "the Register of Title Deeds relating to lands," or as near thereto as circumstances will admit, and shall contain such other particulars as under any Regulation to be made as hereinafter mentioned shall be directed.

**L.** All Assurances by which any lands and also money or moveable property are affected, and registered in "the Register of Title Deeds relating to lands," according to Section XVI. of this Act, shall be indexed in the proper Indexes to "the General Register," as well as in the proper Indexes of the "Register of Title Deeds relating to lands."

**LI.** On the registration of any Assurance made by an heir at law or other person, by way of confirmation of a Will which has been registered under this Act, or of any appointment of new Trustees under any such Will, or of any release or assurance of any lands or charges on lands comprised in, or affected by any such will, which, in the opinion of the Registrar, may be conveniently indexed with reference to such Will, the Registrar may cause to be entered in "the Index to Testators and Intestates," opposite to or in connexion with the entry in relation to such Will, a reference to the head or entry under which such Assurance, appointment, or release is entered in the Index of Titles.

**LII.** Each District Registrar shall cause the entries required to be made on registering or indexing any Assurance under this Act to be made immediately after the Assurance is received at the Registrar Office, and no Assurance shall be deemed registered under this Act unless and until all the entries required under this Act in respect of such Assurance have been duly made; provided that when, upon the registration under this Act of an Assurance affecting lands, all the entries which would be required for such registration have been duly made with respect to part only of the lands affected thereby, such Assurance shall, as to the lands with respect to which such entries have been so made, but not as to the residue of the lands affected by such Assurance, be deemed duly registered under this Act.

**LIII.** Any person having an interest in any lands, money, or moveable property in the said Territories, under any Assurance by this Act authorized to be registered, which has not been registered, may require any person in possession of the original document, or, (where the original document or the several original documents is or are lost) a copy of, or (in cases where no copy is known to exist) an extract from the original document, or of or from any of the original documents, to deliver or send the same at or to the proper Register Office, for the purpose of its being registered; and in case the person in whose possession the same shall be refuse so to do, it shall be lawful for any Judge of any Court of Civil Judicature, upon a summary application, to make such order respecting the delivery or sending of such document, or copy, or extract as aforesaid at or to the proper Register Office for the purpose aforesaid as to such Judge, in the exercise of his discretion, shall, under the circumstances of the case, appear proper: and on non-compliance with any such order or rule the same may be registered as in Section XXX. hereinbefore mentioned. Provided always, that this enactment shall not authorize any person to require or enforce the registration of any Assurance, or copy, or extract of an Assurance, affecting lands at Law or in Equity, in case any Agreement or Provision has been made for the non-registration of such Assurance by him, or by any person from or through whom he derives an interest under such Assurance.

**LIV.** It shall be lawful for the Judge, to whom any such application is made, to make such order respecting the costs of such application, and the costs incidental thereto, and the costs of registration, as to such Judge shall seem proper; and it shall also be lawful for such Judge, if he think fit, to order that an office copy of the original document, copy, or extract to be delivered or sent as aforesaid, shall be furnished to the party by whom the same shall be so delivered or sent, at the expense of the party by whom the application is made.

**LV.** Provided always, that where any Judge of Her Majesty's Courts or of the Courts of Sudder Adawlut makes or refuses to make any such order as aforesaid, application may be made to

Any person claiming under an Assurance may compel the registration thereof by application to a Judge.

Judge may make order as to costs, and may order office copy to be furnished at the expense of the applicant.

Appeals from such orders.

Assurances affecting both lands and moveable property to be indexed in the proper Indexes of both Registers.

the whole Court of which he is a Judge to rescind or vary such order, or to make such order as the case may require, and such Court shall hear and determine the matter of such application; and where any Judge of a Small Cause Court makes or refuses to make any such order, application may be made to Her Majesty's Court having jurisdiction in the Town where such Small Cause Court is situate; and where any other Judge makes or refuses to make any such order, application may be made to the Sudder Adawlut of the Presidency in which such Judge has jurisdiction, to rescind or vary such order, or to make such order as the case may require, and the said Courts of Her Majesty and Sudder Adawlut, as the case may be, shall respectively hear and determine the matter of such application.

**LVI.** Every Assurance by this Act authorized to be registered, other than a Will, decree, or order, shall (so far as regards any lands in the said Territories to be affected thereby) be void as against any person claiming for valuable consideration under any subsequent Assurance duly registered, unless the prior Assurance have been registered in the manner directed by this Act before the registration of the subsequent Assurance.

**LVII.** Where any equitable mortgage affecting lands in the said Territories is made by the deposit of Title Deeds after such commencement of Registration, and where, by reason of the non-payment of purchase-money, a vendor has, at any time after such commencement of Registration, acquired a lien for such purchase-money on any lands in the said Territories, such equitable mortgage and lien respectively shall be void as against any person claiming for valuable consideration under any subsequent Assurance duly registered, unless, in the respective case of such equitable mortgage and lien, such Memorandum, as is hereinbefore in such respective cases authorized to be registered, be registered in the manner required by this Act before the registration of the subsequent Assurance.

**LVIII.** Where any Will, Letters of Administration, Certificate, or Affidavit of Intestacy, authorized to be registered under this Act, has or have been duly registered, every other Will authorized to be registered under this Act, made by the person by whom such first-mentioned Will was made, or in respect of whose Estate and Effects such Letters of Administration or Certificate were granted, or with respect to whose Intestacy or alleged Intestacy such Affidavit was made, shall, so far as regards any lands in the said Territories, be void as against any person claiming for valuable consideration under any Assurance duly registered under this Act, made after the death of the Testator by any person claiming immediately or derivatively under such first-mentioned Will, or such Letters of Administration or Certificate, or by any other person by whom such Assurance might have been made if such other Will as aforesaid had not been executed, unless such other Will be registered before the registration of such Assu-

rance, or such first mentioned Will, Letters of Administration, Certificate or Affidavit. Provided always, that every Will registered within two years after the death of the testator, shall be as valid and effect-

tual as if the same had been registered immediately after the death of the testator: Provided also, that if, by reason of the concealment, suppression, or contesting of any Will, or other inevitable difficulty, any person interested thereunder be disabled

from registering the same within such two years, and such person, or any person on his behalf, within such last-mentioned period, make and register, in manner herein directed, an Affidavit, stating the name and addition of the testator, the date of his death, and the impediment to the registration of such Will which may be existing at the time of making such Affidavit, then and in such case the registration of such Will in manner directed by this Act, within six calendar months next after all impediments to the Registration thereof are removed, shall, unless before such registration the registration of such Affidavit be cancelled under the provision hereinafter contained, be as valid and effectual as if the same had been registered immediately after the death of the testator; and such Affidavit as aforesaid shall be deposited in the Register Office, and shall be made up and numbered in like manner as hereinbefore directed concerning registered Wills, and the like entries shall be made in relation to such Affidavit in the "Index to Testators and Intestates" as in the case of a registered Will, save that in describing the document deposited,

the same shall be called an Affidavit of a Will: Provided always, that where an Affidavit of a Will is registered under the provision lastly hereinbefore contained, it shall be lawful for the Court of Civil Judicature of the district in the Register Office of which the same is registered, upon the application, by motion or petition in a summary way, without bill or plaint filed, of any person claiming as Heir, Executor, Administrator, Representative, or otherwise any estate or interest in lands, money, or moveable property in the said Territories which might have been defeated or affected by the Will of the person in respect of whose Will or alleged Will such affidavit is made, in case it appear to the said Court that such affidavit was made and registered without due cause, or that the cause for making and registering the same has ceased, or otherwise that the registration of such affidavit should be cancelled, to order such cancellation accordingly; and it shall be lawful for such Court on any such application to award such costs, and generally to make such order in relation to the premises, as to such Court may seem fit, and the Registrar shall, where such Court orders such registration to be cancelled, cancel the entries in the Index in relation to such affidavit.

**LIX.** Where the first vesting or other order, or nomination, appointment, or choice of any Assignees in any Insolvency, under which the estate and effects of the Insolvent becomes vested in any Assignees or Trustee under the Insolvency, is made after the commencement of registration under this Act, such Insolvency, or any vesting or other order, nomination, appoint-

Registration of Will within two years after Testator's death effectual.

If concealment of Will contested, party interested may register an affidavit as to Will.

Court may order Registration of Affidavit of a Will to be cancelled.

Assurances affecting lands authorized to be registered to be void as against purchasers unless registered.

Equitable mortgage by deposit of deeds, and lien for purchase-money, to be void as against purchasers, unless Memorandum registered.

Un-registered Will to be void against purchaser from persons entitled under a registered Will, or, in default of a Will, where Letters of Administration or Affidavit of Intestacy registered.

Purchasers protected against Insolvency, unless appointment of Assignees, &c., be registered.

ment, or choice of Assignees thereunder, shall not, as against any person claiming for valuable consideration under any Assurance duly registered under this Act, made by the Insolvent or any other person by whom the same might have been made if such Insolvency had not happened, invalidate or affect such Assurance, so far as regards any lands in the said Territories, unless some such vesting or other order, or nomination, appointment, or choice of Assignees, as is authorized to be registered under this Act, be duly registered before the registration of such Assurance as aforesaid, or within one calendar month after the date of the order, nomination, appointment, or choice under which the estate and effects of the Insolvent have become vested in any Assignee or Trustee under the Insolvency.

**LX.** No Assurance by an Insolvent affecting lands in the said Territories executed after the commencement of registration as aforesaid, and duly registered under this Act before the advertisement in the Government Gazette of an adjudication of Insolvency, shall, as against any person claiming under such Assurance for valuable consideration and without fraud, be invalidated, so far as regards any lands in the said Territories, by reason of such adjudication, or of the Act of Insolvency on which such adjudication is founded, or of any other act of insolvency, unless the petition for adjudication have been filed of record or presented after the commencement of Registration under this Act, or have been duly registered under this Act before the registration of such Assurance.

**LXI.** The priority given by the provisions hereinbefore contained to any person claiming for valuable consideration under a registered Assurance shall not, as respects any person so claiming without fraud, be taken away by any Court in consequence of such person having been affected with notice; and where, under the provisions hereinbefore contained, priority is given to any person claiming for valuable consideration under a registered Assurance an equitable estate or interest, such priority shall, in favor of any person so claiming without fraud, be enforced in Equity, although the person so claiming under such registered Assurance has been affected with notice.

**LXII.** Where any estate or interest in lands in the said Territories is vested in any person under any Assurance registered under this Act, no purchaser for valuable consideration, without fraud, claiming under any Assurance made by the person in whom such estate or interest is so vested, shall be affected or bound by reason of notice of any use, trust, or confidence declared or created after the commencement of Registration under this Act, and affecting such estate or interest, unless such use, trust or confidence be manifested or proved by such first-mentioned Assurance, or some other Assurance duly registered under this Act, before the registration of the Assurance under which such purchaser so claims; and where, in any Assurance registered under this Act, any use, trust, or confidence affecting any estate

or interest in lands in the said Territories vested in any person under any Assurance registered under this Act, is declared or created by reference to and depends for its validity or for the terms thereof upon some other Assurance executed after the commencement of Registration under this Act, no purchaser for valuable consideration, without fraud, claiming under any Assurance made by the person in whom such estate or interest is so vested, shall be affected by such use, trust, or confidence, unless the Assurance, by reference to which such use, trust, or confidence is so declared or created, be registered under this Act before the registration of the Assurance under which such purchaser so claims.

**LXIII.** Where any two or more Assurances to be registered under this Act are registered at the same time, such Assurances shall have priority according to the order of time in which the same shall have been executed.

**LXIV.** Every person who shall claim without valuable consideration, under any person who shall have claimed for valuable consideration, shall be entitled to the same preference, protection, and advantage under the provisions of this Act as the person who shall have so claimed for valuable consideration.

**LXV.** In any case in which priority or protection might but for this Act have been given or allowed in Equity to any estate or interest in lands, by reason or on the ground of such estate or interest being protected by or tacked to any legal or other estate or interest in such lands, no such priority or protection shall, after the commencement of Registration under this Act, be so given or allowed to any estate or interest in lands in the said Territories, except as against any estate or interest which shall have existed prior to such commencement; and full effect shall be given in every Court of Equity to this present provision, although the party claiming such priority or protection as aforesaid shall claim as a purchaser for valuable consideration and without notice.

**LXVI.** No Assurance affecting lands which would (so far as this present enactment does not operate) have the effect at any time of merging or extinguishing any term of years or other particular estate, or of releasing or extinguishing any charge or any part thereof, or any interest therein, shall have such effect as against any person claiming for valuable consideration under any subsequent Assurance duly registered, whereby such term of years or other particular estate or such charge or interest is assigned or otherwise affected unless before the registration of such subsequent Assurance an entry of the Assurance which would have the effect of merging, releasing or extinguishing such term of years or other particular estate, or charge or interest or part respectively, be made in the Index of Titles in which an Assurance of such term of years or other particular estate, or charge or interest, if the same were subsisting, ought, under the provisions of this Act, to be indexed or entered.



**LXVII.** Nothing in this Act contained shall be construed so as to render the registration of such leases or agreements for leases as in Section XIV. mentioned, or any Assurance by which any such lease or agreement shall be assigned or otherwise affected, compulsory or necessary; or to give any such leases, agreements, or assignments as aforesaid, when registered, any priority over other leases or Assurances.

**LXVIII.** All Assurances affecting only money or moveable property (except Wills, Decrees and Orders) shall be utterly void and of none effect unless registered within six months after the execution thereof by the party who conveys, assigns, transfers, assigns or appoints thereby, or unless a caveat respecting such Assurance be registered within six months after such execution, and such caveat continue in force, or unless a caveat respecting such Assurance be registered as aforesaid, and after such caveat ceases to be in force, such Assurance be registered within six months after such execution, the time during which such caveat is registered and in force being deducted in the calculation of such six months. Provided always, that every such Assurance as aforesaid affecting money or moveable property registered within six months after the execution thereof as aforesaid, or registered after a caveat has been duly registered as aforesaid, and before such caveat ceases to be in force, or registered after such caveat ceases to be in force, but within six months after such execution as aforesaid (the time during which such caveat was registered and in force being deducted in the calculation of such six months,) shall be as valid and effectual as if the same had been registered immediately after such execution. All Wills, affecting only money or moveable property either at Law or in Equity, shall be wholly void and of none effect unless registered within two years after the death of the Testator, but if registered within that time, shall be as valid and effectual as if the same had been registered immediately after the death of the Testator, and if by reason of the concealment, suppression, or contesting of any Will, or other inevitable difficulty, any person interested thereunder be disabled from registering the same within such two years, then such Affidavit of a Will as hereinbefore in Section LVIII. mentioned, or to the like effect, so far as circumstances will admit shall be made and registered by such person, and the said Courts shall have the like power and authority to order the registration or cancellation of such Affidavits of Wills as are hereinbefore given and conferred by the said Section LVIII. with respect to the Affidavits of Wills affecting lands.

**LXIX.** Where any person is interested under any use, trust, or confidence, declared or created after the commencement of registration under this Act, and affecting any estate or interest in lands, money or moveable property in the said Territories, which is vested in any person under any Assurance registered under this Act, and such use, trust or confidence is not manifested or proved by any Assurance, registered under this Act, or is, in any Assurance registered under this Act, declared and created by reference to and depends for its validity or for the terms thereof upon some other Assurance not registered un-

der this Act, any person so interested as aforesaid may, by a requisition in writing under his hand, delivered at the Register Office in which such Assurance is registered as aforesaid, together with such Affidavit as herein-after mentioned, require an Inhibition in respect of any such lands, money, or moveable property, to be mentioned in such requisition, to be entered against any person mentioned in such requisition in whom such estate or interest is vested as aforesaid, inhibiting him from alienating, transferring, charging, or affecting such lands, money or moveable property by virtue of such estate or interest, without notice being first given by the Registrar to the person signing such requisition, or some person on his behalf, at some office or place mentioned in such requisition, and situate within ten miles of the Register Office, and such requisition shall specify the date of and parties to the Assurance under which such estate or interest is vested, and the entries with respect to the same in the Index or Indexes of the Register in which the same is registered, and the affidavit to be delivered with such requisition shall be made by the person signing such requisition, and such person shall therein swear that he believes that he is interested under such use, trust, or confidence as aforesaid.

**LXX.** Where an Inhibition is so required to be entered, an entry shall be made in the Index or Indexes of the Register of Title Deeds relating to lands or "the General Register," as the case may be, under the same heads and expressing the like particulars as are by this Act required in the case of Assurances to be registered in such registers respectively.

**LXXI.** Any person against whom an Inhibition is entered as aforesaid, or any person interested in the lands, money or moveable property to which the same relates, may, by writing, signed by such person and lodged at the Register Office, require the Registrar to cancel the entries in the Indexes of such Inhibition, and the Registrar shall, within two days after the receipt of such writing, give notice thereof to the person on whose requisition the Inhibition was entered, and shall state in such notice that on the expiration of fourteen days after the service thereof, the Inhibition will be cancelled, and the service of such notice at the office or place mentioned in the requisition for the Inhibition shall be deemed good service thereof, and at the expiration of the said period of fourteen days after such service, the Registrar, unless sooner restrained by the order of a competent Court as hereinafter mentioned, shall cancel the entries in the Indexes of the said Inhibition.

**LXXII.** It shall be lawful for Her Majesty's Courts of Judicature of the said Towns of Calcutta, Madras, Bombay or Singapore, in which any such Inhibition is registered, or for the Court of Civil Judicature of any District in which any such Inhibition is registered, upon the application of any party interested, by motion or petition in a summary way, without bill or plaint filed, to restrain the Registrar from cancelling the entry of any Inhibition entered under this Act; provided always, that the said Courts respectively shall have full power, upon the application of any party, to discharge or vary such order, and to award such

Persons interested under uses or trusts affecting estates or property vested under a registered Assurance may enter an inhibition against alienation.

Court may restrain Registrar from cancelling Inhibition.

costs on such application as such Courts respectively may see fit, and generally to make such order in relation to the premises as to the said Courts respectively may seem just.

**LXXIII.** "And whereas it may often happen that some time will elapse pending the negotiation for a sale or other contract, and that often, by reason of the illness or absence of parties or from other causes, the written transfer of property will be delayed for want of due execution by all the requisite parties, and whereas when Assurances affecting lands are executed for a temporary purpose merely, it may often be inconvenient, and occasion unnecessary expense to register an Assurance affecting such lands, containing all the particulars of the transaction," it is further enacted, that any person may, after the commencement of registration under this Act, by a requisition in writing under his hand, delivered at the proper Register Office, require a Caveat against his own acts to be entered in respect of any lands or money or moveable property in the said Territories to be mentioned in such requisition in favour of any person described therein, for the protection of any Assurance affecting such lands, money or moveable property which shall have been made and executed, or shall be in progress, or shall have been in contemplation at the time of entering such Caveat.

**LXXIV.** Where a Caveat is so required to be entered, an entry shall be made in all the Indexes under the same head, and expressing the like particulars, as are under this Act required in the case of an Assurance affecting the lands, money or moveable property mentioned in the requisition for such Caveat, and made by the person requiring such Caveat to be entered.

**LXXV.** Where a Caveat is duly entered under this Act as to any lands in the said Territories, every person claiming for valuable consideration under any Assurance affecting the same lands to be made by the person by whom the entry of the Caveat has been required, or any person claiming under him, to or with the concurrence of the person in whose favour the Caveat was so entered, or his Heirs, Executors Administrators, Representatives or Assigns, and registered in the manner directed by this Act within six calendar months after the Caveat has been so entered as to such lands, shall be entitled to the same preference, protection, and advantage under the provisions of this Act as if such Assurance had been executed and so registered as aforesaid at the time of entering the Caveat:

Provided always, that no such Caveat shall have any force or effect as against the operation of the Insolvency of the person requiring the same to be entered, or any Act under such Insolvency.

**LXXVI.** Subject to such Regulations as may be from time to time made under this Act, the District Registrar shall, upon the application of any person interested under any Assurance and registering the same under this Act, issue to such person a Certificate of such Registration, and shall thereupon enter in the Index of Titles in which such Assurance is entered, a memorandum of such Certificate; and the Registrar shall,

upon such Certificate being delivered at the Register Office for that purpose, cancel the same, and enter in the Index of Titles a note of such cancellation; and no Assurance by the person to whom such Certificate is issued affecting the lands to which such Certificate relates shall be registered until such Certificate has been cancelled; and such Certificate may be deposited by way of equitable mortgage by the person to whom the same has been issued, and any deposit thereof so made shall have the like effect as the like deposit of the Assurance to which the same relates would have had, but it shall not be necessary to register any equitable mortgage made by deposit of such Certificate.

**LXXVII.** In every case in which, but for this enactment, it would be the duty of any Attorney, Solicitor, or Agent to make any search in any of the Indexes to be kept at the Register Office, such Attorney, Solicitor or Agent shall, as to any search of the result of which the Registrar may be required by the Regulations for the time being in force under this Act to give a Certificate, be held to have fulfilled his duty in that behalf by delivering at the Register Office a proper requisition for such search, stating therein particularly the object of such search, and by obtaining a Certificate from the Registrar of the Office of the result of the same, and shall not be responsible for any error or mistake in the result of such search as stated in such Certificate, and in all other cases every Attorney, Solicitor, or Agent shall stand indemnified in relying on the accuracy of any Certificate to be made or given in pursuance of this Act.

**LXXVIII.** Each District Registrar, save where otherwise provided by the Regulations to be made as hereinafter mentioned, shall transmit at the end of every month to the Chief Registrar of the Presidency in which his District is situate, copies of every Assurance and of the entries and references thereon, and of the entries in the several Indexes to such Assurances, deposited, registered or made in the said District Registers or Indexes during such month, and the said copies shall be written bookwise or otherwise as the Chief Registrar of each such Presidency shall appoint, and the said Chief Registrar shall cause the said copies of the several Registers and Indexes of each District to be made up into separate books and parcels and shall number and arrange the same in such manner as shall be directed by the Regulations to be made under this Act as hereinafter mentioned.

**LXXIX.** Where there are duplicate originals of any Assurance which is registered under this Act, it shall be lawful for any person to bring or send to the Chief or District Register Office any duplicate original which has not been deposited in the District Register Office, in order that the same may be compared with the deposited original, or with the copy thereof in the Chief Register Office, and thereupon the document so brought or sent shall be compared accordingly, and any variances which may be found shall be noted in the margin of such document; and in every such case the seal of the Chief or District Register Office, as the case may be, shall be impressed on each skin or sheet of the document brought or sent to be compared as afore-

Power to enter a Caveat.

Mode of entering caveats.

Extent of protection to be afforded by Caveats.

Not to protect against Insolvency.

Certificates of Registration may be delivered out and may be deposited by way of equitable mortgage.

The duties of Attorneys, &c., to be fulfilled by causing an Office search to be made.

Attorneys, &c., indemnified in relying on the accuracy of Certificates.

Duplicates of deposited documents may be compared at the Office and certified.

said; and a Certificate, signed by the proper Officer of the Chief or District Register Office, as the case may be, shall be written at the head or in the margin of such document, or endorsed on the same, which Certificate shall contain a statement that a duplicate of the document in or upon which the same is written has been deposited in the District Register Office, and shall state the parties by whom the deposited original appears to have been executed, and shall specify the book or parcel in which the same is made up, and the number of the

Every document so certified to be received as evidence that another part of the same Assurance has been deposited.

document in such book or parcel; and every document so sealed, with such Certificate thereon, containing such statement, and purporting to be so signed as aforesaid, and whether furnished from the Chief or District Register Office, shall in all cases be evidence that another part of the same Assurance has been deposited in the District Register Office, and is made up in the book or parcel mentioned in such Certificate, and is numbered in such book or parcel as in the said Certificate is specified.

**LXXX.** Subject to the Regulations to be made under this Act, the Chief or District Registrar, as the case may be, shall cause to be provided, for any person applying for the same, copies or extracts from any document which has been deposited in the District

Copies of and extracts from deposited instruments to be provided on application, and to be certified.

Register Office, or from the copy thereof transmitted to the Chief Register Office under this Act, and in every case where a copy or extract is so provided, the seal of the Chief or District Register Office, as the case may be, shall be impressed on each sheet of such copy or extract; and a Certificate, signed by the proper Officer of the said Chief or District Register Office, as the case may be, shall be written at the head or margin of such copy or extract, or endorsed on the same, which Certificate shall contain a statement that the copy or extract on which the same is written is an examined copy of or extract from a document deposited in the District Register Office, or from a copy of such document in the Chief Register Office, as the case may be, and shall specify the book or parcel in which such document is made up; and the number of such document in such book or parcel; and every document

The seal of the Office, with a Certificate, to be evidence of such copies and extracts.

so sealed, with such Certificate thereon, containing such statement and purporting to be so signed as aforesaid, and whether furnished from the District or Chief Register Office, shall be evidence that such document is a copy of or extract from a document deposited in the District Register Office, and made up in the book or parcel specified in such Certificate, and numbered in such book or parcel as in the said Certificate is expressed, and of the contents of the document deposited in the District Register Office, or of such part thereof as is purported to be extracted.

**LXXXI.** Subject to such Regulations as may be from time to time made under this Act, any person interested under any Assurance, or in the matter of any search, on application at the Chief or District Register Office, shall, at such times as may be limited by the Chief Registrar in this

Searches of the Indexes to be permitted, and inspections of deposited instruments allowed.

behalf, be allowed to inspect and search any of the Indexes, and to examine and inspect any of the documents, deposited in the Chief or District Register Office under this Act, and to take extracts from any such Indexes or documents as aforesaid, and the Chief or District Registrar, as the case may be, shall, upon the delivery of such requisitions as under the Regulations

Searches of the Indexes to be made on requisition, and Certificates given.

hereinafter mentioned, may be required, and in accordance with such Regulations, make or cause to be made such searches in any of such Indexes, and give such Negative or other Certificates of the results of such searches, as by such Regulations may be directed in this behalf; and every such Certificate shall be sealed with the seal of the Register Office from which it is issued, and shall be signed by the Chief Registrar or Assistant, or District Registrar of such Office, as the case may be.

**LXXXII.** No document deposited in the District Register Office under this Act, and no copy of a document in the Chief Register Office, shall be removed from the same respectively, except in obedience to legal process for the production thereof, and none of the Indexes to be kept at the said Register Offices, respectively, shall be removed from the same on any account whatsoever.

**LXXXIII.** Provided always, that where any Will has been registered under this Act by the deposit of the original Will, the District Registrar shall, upon the request of any person entitled to prove

Wills deposited at the Register Office may be removed for the purpose of being proved, &c.

such Will, or to take out Letters of Administration to the testator with such Will annexed, or to take out a Certificate under Act XX. of 1841, such request to be testified by some writing signed by and containing the address of the person making such request, and specifying the Court in which the Will is desired to be proved, or in which administration to the testator with the Will annexed, or a Certificate under Act XX. of 1841 is desired to be taken out, cause such Will, together with a Certificate of the same having been deposited in the District Register Office, which Certificate shall be sealed with the seal of the District Register Office, and signed by the District Registrar, to be transmitted to the Court so specified, in order that the same may be proved in such Court, or that Administration to the Testator with such will annexed, or that such Certificate as aforesaid, may be granted by such Court; and the Registrar or other the Chief Officer of the Court to which such will is so

After being proved, &c. the will is to be returned.

transmitted, or his deputy, shall, immediately after such will has been proved, or Letters of Administration of the effects of the Testator with such will annexed, or Certificate, have been granted in or by such Court, or immediately after the termination of the proceedings in such Court, cause the same will to be returned to the District Register Office.

**LXXXIV.** For facilitating the making up into books or parcels of the several documents to be deposited at the respective Register Offices under this Act, and for the convenience of reference thereto, it shall be lawful for the Chief Registrar of each Presidency or Place,

Power to the Registrar to order that documents to be deposited shall be written bookwise or otherwise, &c.



with the consent of the Government thereof, from time to time (either before or after the commencement of registration under this Act) by a notice to be published at least four times in the "Government Gazette," of each Presidency or Place, of which the last time shall be not less than three Calendar months before the time when the same is intended to take effect, to order and direct that all documents of any description, to be specified in such notice, which shall be brought or sent to the Register Office in order to be deposited in the same under this Act (with any exceptions which shall be specified in such notice) shall be written or engrossed bookwise, or in such manner as shall be specified in such notice, and shall be written or engrossed either on paper, vellum, or parchment, as shall in that behalf be in such notice directed, and to order and direct that such paper, vellum or parchment shall be of such description and of

Additional payment on persons sending documents to be deposited, which shall not be conformable with such order.

such shape and dimensions as in such notice shall be specified, and if, after the time when any notice to be given in pursuance of this power has taken effect, any document within the meaning of such notice be brought or sent to the Register Office to be deposited as aforesaid which is not conformable with the directions in respect of the same contained in such notice, the person depositing the same shall pay, in addition to the ordinary fee made payable on such deposit, such extra fee as the Registrar may in each case think fit, not exceeding the amount of the said ordinary fee.

**LXXXV.** It shall be lawful for the Chief Registrar of each Presidency or Place, with the consent of the Government thereof, from time to time, either before or after the commencement of Registration under this Act, by a notice to be published not less than four times in the "Government Gazette" of such Presidency or Place (of which the last time shall be at least one Calendar month before the time when the same shall be intended to take effect) to require that any statements which may appear to the Chief Registrar necessary or proper for directing or regulating the entries to be made on Registration, and for affording information for the making of such entries, shall be made and brought to the Register Office; and it shall also be lawful for the Chief Registrar, with such consent as aforesaid, by any such notice to specify the form of such statements as aforesaid, and to require that the same shall be signed by the persons respectively requiring the registration, and shall contain the addresses of such persons respectively, and also to require that the same shall be either written or endorsed on the documents to be deposited as aforesaid, or written on separate

No Officer of the Register Office to be responsible for omissions or mistakes occasioned by defects in the statements.

papers, as the Chief Registrar shall think fit: Provided always that nothing in this Act shall render the Registrar or any other Officer of the Register Office in any way responsible or liable in respect of any loss or damage which may be sustained or incurred by any person in consequence of the omission of any entry or reference required by this Act to be made in the Register Office, or in consequence of any error in any such entry or reference, in any case where no statement has been sent to the Regis-

ter Office conformably with any such notice as aforesaid, or in any case where such statement has been so sent as aforesaid, and entries or references in conformity therewith have been made.

**LXXXVI.** It shall be lawful for each District Registrar (subject to any Regulations to be made as hereinafter mentioned under this Act) upon such evidence as may appear to him sufficient in this behalf, to correct errors in entries made, and supply entries omitted to be made, under this Act. Provided always, that in the correction of any such entry he shall not erase or render illegible the original entry, and shall, on correcting or supplying any entry, cause an entry to be made, in connexion with the entry so corrected or supplied, of the time when the same was so corrected or supplied; and every correction made, and omission supplied, under this provision shall be as effectual as if made at the time when the same ought to have been made, but not so as to affect any Assurance registered, or act done, previously to the actual time of the correction of the entry, or supplying the omitted entry.

**LXXXVII.** If any person, making any Affidavit under this Act, shall therein wilfully swear falsely, such person shall be deemed guilty of wilful and corrupt perjury; and all Affidavits to be registered, or deposited in the Register Office under this Act, shall be sworn before a Chief Registrar, Assistant Registrar, District Registrar, Justice of the Peace, or Magistrate of the District, Town, or place where such Affidavit is sworn, or elsewhere, before a Magistrate and attested by a Notary, or before a British Minister, Resident, Consul or Vice Consul.

**LXXXVIII.** If any person shall forge, counterfeit, or imitate, or cause or procure to be forged, counterfeited or imitated, or knowingly act or assist in forging, counterfeiting or imitating, upon any document upon which the seal of the Register Office is authorized to be impressed, the impression or any part of the impression of the Seal of the Register Office, or shall knowingly stamp or mark, or cause or procure to be stamped or marked, or knowingly act or assist in stamping or marking, any such document with any forged or counterfeited Seal of the Register Office, with the intent to defraud any person whomsoever; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly act or assist in forging or counterfeiting the name, signature or handwriting of any Officer, in any case in which the signature of such Officer is authorized to be made; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly act or assist in forging or counterfeiting the name, signature or handwriting of any person whomsoever, to any instrument or document which is in and by this Act, or shall by the exercise of any power contained in this Act, be required or directed to be signed by such person; or shall, with an intention to defraud any person whomsoever, use any document upon which any impression or part of the impression of any Seal of the Register Office shall have been forged, counterfeited, or imitated, knowing the same to be forged, counterfeited or imitated, or any document the signature of which shall be so forged

Registrar may correct errors in entries.

Falsely swearing under this Act to be punished as perjury.

Punishment for forging signatures required by this Act, or Counterfeiting impressions of the Seal of the Register Office.

or counterfeited as aforesaid, knowing the same to be forged or counterfeited, every such person so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged to be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the Seas for life, or for any term not less than seven years, or to be imprisoned (with or without hard labour) for any term not exceeding four years nor less than one year.

**LXXXIX.** It shall be lawful for the Chief Registrar of each Presidency or Place (with the consent of the Government thereof) to fix the fees to be taken in the several Register Offices in such Presidency or place in respect of documents to be registered, entries to be made, Searches, Certificates, Office Copies, and other matters to be done in such Office under this Act, and from time to time to vary or wholly abolish any such fees, and fix new fees.

**XC.** It shall be lawful for the Chief Registrar of each Presidency or place, with the consent of the Government thereof, from time to time, to direct that the fees or other payments which shall be received under the authority of this Act, shall be applied, under such Regulations as they shall appoint, in payment of the current or incidental expenses of the said Offices or any of them.

**XCI.** Such fees and payments as aforesaid, or so much thereof as may not be applied as lastly hereinbefore mentioned in payment of any of the current or incidental expenses of the Register Offices, shall from time to time be paid into the Government Treasury of the Presidency or Place in which such Register Offices are situate.

**XCII.** An Account shall be kept in each District Register Office of the fees and other payments received under the authority of this Act, and of the expenses paid thereout as aforesaid; and such account shall, from time to time, be forwarded to and examined, tried, and audited by the Chief Registrars respectively, as well as the Civil Auditor of each Presidency or Place respectively.

**XCIII.** It shall be lawful for the Governor or Governor in Council of each of the said Presidencies or Places to assign to the Chief Registrar thereof respectively a Salary not exceeding the monthly sum of \_\_\_\_\_, and to every Assistant Registrar a Salary not exceeding the monthly sum of \_\_\_\_\_, and to each District Registrar a Salary not exceeding the monthly sum of \_\_\_\_\_ and to assign to the Clerks and other subordinate Officers of the Register Office such Salaries or other remuneration, as to the said Governments respectively shall seem proper.

**XCIV.** Every action or suit which shall be brought by any person to recover damages for or by reason of any loss or damage occasioned by any omission or misfeasance of any Officer of the Register Office shall be brought against the Chief Registrar as the nominal

defendant, and in case in any such action the plaintiff recover final judgment against such nominal defendant, then, upon the prayer of such plaintiff, the Court or Judge, as the case may be, of the Court where such action or suit shall have been brought, shall and he is hereby directed to certify to the Secretary to the Government of the Presidency or Place in which such action or suit is brought, the fact of such judgment having been so recovered, and the amount of damages and costs recovered; and thereupon, or before the expiration of two Calendar months after such judgment is so certified, the amount of such damages and costs shall be paid by the said Government to the person recovering the same, his Executors, Administrators or representatives. Provided always, that notice in writing of every such action, and of the cause thereof, shall be served upon the Secretaries to Government for the time being, and also upon the Registrar for the time being, one Calendar month at least before the commencement of such action:

**XCIV.** If in any such action or suit judgment be given in favour of the nominal defendant, or the plaintiff withdraw his action or suit, or discontinue, or become non-suit, the plaintiff shall be liable to pay the full costs of defending such action, and the same (when taxed) shall be levied in the name of the nominal defendant by the like process of execution as in other actions or suits of the like nature.

**XCVI.** If at any time before payment to the plaintiff of any damages recovered by any such judgment as aforesaid, an appeal be made from such judgment, such damages shall not be paid until the judgment is affirmed; and if, after payment to the plaintiff of any damages recovered by any such judgment as aforesaid, such judgment be reversed, the Court, by which such judgment is reversed, shall award a writ of restitution against the plaintiff in the name of the nominal defendant, or order the plaintiff to pay the same to the nominal defendant; and when the monies thereby directed to be levied, or any part thereof, are brought into Court, the said Court shall order the same to be paid into the Government Treasury to the account of Government.

**XCVII.** It shall be lawful for the Chief Registrar of each Presidency or place, with the consent of the Government thereof, to enter into and conclude a compromise with any person claiming a right of action or damages by reason of any loss or damage occasioned by any omission, mistake or misfeasance of any Officer of the Register Office; and, upon payment thereof, the person receiving the same shall execute to the Registrar a release of the cause of action in respect of which such pay-

**XCVIII.** Every action or suit which shall be brought by any person to recover damages for or by reason of any loss or damage occasioned by any omission or misfeasance of any Officer of the Register Office shall be brought against the Chief Registrar as the nominal

defendant, and in case in any such action the plaintiff recover final judgment against such nominal defendant, then, upon the prayer of such plaintiff, the Court or Judge, as the case may be, of the Court where such action or suit shall have been brought, shall and he is hereby directed to certify to the Secretary to the Government of the Presidency or Place in which such action or suit is brought, the fact of such judgment having been so recovered, and the amount of damages and costs recovered; and thereupon, or before the expiration of two Calendar months after such judgment is so certified, the amount of such damages and costs shall be paid by the said Government to the person recovering the same, his Executors, Administrators or representatives. Provided always, that notice in writing of every such action, and of the cause thereof, shall be served upon the Secretaries to Government for the time being, and also upon the Registrar for the time being, one Calendar month at least before the commencement of such action:

**XCIX.** It shall be lawful for the Chief Registrar of each Presidency or place, with the consent of the Government thereof, from time to time, to direct that the fees or other payments which shall be received under the authority of this Act, shall be applied, under such Regulations as they shall appoint, in payment of the current or incidental expenses of the said Offices or any of them.

ment is made, and such release may be pleaded in bar to any action which the person executing the same, or any person claiming under him, shall bring to recover damages for or by reason of any loss or damage occasioned by the same omission, mistake, or misfeasance.

**XCVIII.** Provided also, that the time which by the Act and Regulations now in force is limited for commencing or suing actions, shall, so far as respects any action brought in the manner directed by this Act to recover damages for any loss or damage arising from any omission, mistake or misfeasance of any Officer of the Register Office, be computed and run from the time when actual loss or damage has arisen from such omission, mistake, or misfeasance as aforesaid.

**XCIX.** Every action which, under the Provisions of this Act, shall be brought by or against any Chief Registrar shall be so brought by or against him by his name of Office; and no such action shall abate by reason of the death or removal from Office of any such Chief Registrar.

**C.** It shall be lawful for the Chief Registrar of each Presidency or place, with the consent of the Government thereof, from time to time, to make such Regulations, as to him may seem proper, for and in relation to all or any of the matters hereinafter mentioned; viz: for determining the cases in which Assurances are to be indexed in the Index of Titles under new heads and existing heads respectively, and the heads under which Assurances are to be indexed in such Index, and in what cases of Assurances indexed in the Index of Titles, references shall be made under any head in such Index to any other head in such Index, and in what cases of Assurances so indexed, entries in respect thereof shall be made in the Indexes of the names of Grantors, or in the Index to Testators and Intestates, or in the Index of Insolvents, (as the case may require,) and providing generally for the convenient classification and arrangement under heads in the Index of Titles of the Assurances to be indexed therein, and the making of such references between any heads of such Index in respect of Assurances connected in Title, and of such entries in the Indexes of the names of the Grantors, the Indexes to Testators and Intestates, and the Index to Insolvents, and any other Index kept in the Register Office, as may, in the opinion of the Chief Registrar, tend to render searches easy and safe.

The particulars to be entered in the Indexes to be kept in the Register Office where entries are required under this Act, and the form and manner of such entries.

The correction of errors and supplying of omissions in entries made under this Act.

The issue of Certificates of Registration in substitution for like Certificates which may have been lost or destroyed.

The making of Copies of, and Extracts from, deposited documents, and the granting of Certificates with reference thereto, and the restrictions and conditions under which such copies, extracts, or Certificates shall be given.

The making of searches of, and providing and issuing extracts from, any of the Indexes to be kept at the Register Office, and granting negative or other certificates with reference thereto, the forms of requisition for such copies, extracts or searches as aforesaid, and the giving of receipts

for documents received at the Register Office, the mode in which, and the restrictions and conditions under which searches of the Indexes kept at the said Office, and inspection of documents deposited there, shall be permitted.

And for regulating all other matters and things whatsoever connected with the regulation and management of the said Register Offices, and the execution of this Act not specially hereby provided for, and generally for giving effect to the provisions of this Act, and from time to time to alter, vary or revoke any such regulations, and make any new regulation in relation to the matters aforesaid; and all regulations to be made under this Act by the Chief Registrar, with such consent as aforesaid, shall be published in the "Government Gazette," and a copy thereof shall be sent to each District Registrar in the said Presidency or place, and such District Registrar shall retain such copy, and permit persons to inspect the same, and to make copies and extracts of and from the same.

**CI.** The Chief Registrar of each Presidency or place shall, within one month after the commencement of registration under this Act, send to the Secretary to the Government of such Presidency or place a report of the Districts formed under this Act and of all other Acts and matters done by the Registrar preparatory to such commencement of registration, and shall also, in the month of January in every year, send to such Secretary a general report of his proceedings under this Act, and of the business of the chief Register Office, and of the other District Registrar offices subordinate to him, and shall specify in such report whether any and what difficulties have arisen in or in relation to registration under this Act, or the searches required to be made, or otherwise in the operation of this Act, or any regulations made thereunder, and whether any and what alterations have been suggested which appear to him expedient, or have occurred to him, and whether the same can or cannot be effected without the aid of the Legislature, and may in such report make such observations or suggestions in relation to the matters aforesaid as the Chief Registrar may think fit; and every such report shall be laid before the Governor General of India in Council, within two months after the receipt thereof, by the said Governments respectively.

**CII.** The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless such meanings be repugnant or inconsistent with the context, (that is to say)

Words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular number.

Words importing the masculine gender shall include females.

The word "Person" shall apply to and include corporations.

The word "Assurance" shall extend to a feoffment, grant, bargain, and sale, bill of sale, lease and release, deed of covenant, gift, mortgage, lease or agreement for a lease for a longer period than seven years, and any assignment of such lease, and also to a lien, guarantee, contract, agreement, memorandum, or any document by this Act declared to be an Assurance, or any other deed or document whereby any lands, money or moveable property are conveyed, transferred, ap-



pointed or assigned, except such documents as by Sections XXXIV. and XXXV. of this Act are excepted, and every person claiming derivatively under any Assurance shall be considered as claiming under the name.

The word "Grantor" shall apply to any person by whom lands, money or moveable property shall be conveyed, transferred, appointed, charged, assigned or otherwise affected.

The word "District" shall mean a District formed under this Act.

The word "Lands" shall extend to all lands, tenements and hereditaments of any tenure, and all houses, buildings and walls thereupon, and any estate or interest in the same, whether legal or equitable.

The word "Title" shall extend to a power or right to convey or otherwise affect lands.

The word "Will" shall extend to a Codicil, Wassuyuthmah, or other testamentary paper, or to an appointment by Will, or by writing in the nature of a Will in exercise of a Power.

The word "Addition," where the addition of any person, whose name is required by this Act to be entered in any Index is hereby directed to be entered with such name, shall mean the description as to residence, title, rank, profession or occupation of such person.

The expression "the District in which such Assurance is made" shall mean the District wherein the party who conveys, assures, assigns, transfers, or appoints by such Assurance executes the same, and where two or more parties thereby convey, assure, transfer, assign or appoint, the District in which the same is executed by the second or last party who conveys, assures, transfers, assigns or appoints thereby.

The expression "after the execution thereof by the party who conveys, assures, transfers, assigns or appoints thereby," when there are two or more of such parties, shall mean the second or last party who conveys, assures, transfers, assigns, or appoints thereby.

## SCHEDULE A

### FORMS FOR RECEIPT BOOKS.

#### FORM 1.

#### Receipts for "The Register of Titles relating to lands."

RECEIPT.  
No. 20 Calcutta, District Register Office.  
Assurance deposited in this Office on the 10th day of January 1853, at ½ past 10 A. M.  
Date of Assurance, . . . 9th January 1853.  
Parties to ditto, . . . Baboo Gouraohurn Ghose of the one part,  
John Brown and Edward Jones of the other part.  
Entries in Indexes to }  
"The Register of }  
"Title Deeds relat- }  
"ing to lands." . . }  
Index of Titles—No. 2 of 50 Hastings Street, Calcutta.  
Index of the names of } Baboo Gouraohurn Ghose.  
Grantors, }  
Index of Insolvents, }  
Index of Testators and }  
Intestates, }  
Land Index }  
(if any,) . . }  
Signed John Cox,  
District Registrar.

RECEIPT.  
No. 20 Calcutta, District Register Office.  
Assurance deposited in this Office on the 10th day of January 1853, at ½ past 10 A. M.  
Date of Assurance, . . . 9th January 1853.  
Parties to ditto, . . . Baboo Gouraohurn Ghose of the one part,  
John Brown and Edward Jones of the other part.  
Entries in Indexes to }  
"The Register of }  
"Title Deeds relat- }  
"ing to lands." . . }  
Index of Titles—No. 2 of 50 Hastings Street, Calcutta.  
Index of the names of } Baboo Gouraohurn Ghose.  
Grantors, }  
Index of Insolvents, }  
Index of Testators and }  
Intestates, }  
Land Index }  
(if any,) . . }  
Signed John Cox,  
District Registrar.

N. B.—The words and figures in Italics in this Schedule to be filled up as the case may be, and references must be added to all other Indexes in which the Assurance is registered.

#### FORM 2.

#### Receipts for "The General Register."

RECEIPT.  
No. 50 Calcutta, District Register Office.  
Assurance deposited in this Office, on the 12th day of January 1853, at 20 minutes past 1 P. M.  
Date of Assurance, . . . 10th January 1853.  
Parties to ditto, . . . John Cochrane,  
Offl. Assn. of the 1st part.  
Hurriehunder Ghose, . . 2nd part.  
Dwarkanath Ghose, . . 3rd part.  
Entries in Indexes to }  
"The General Register," . . }  
Index of the names of } John Cochrane.  
Grantors, }  
Index of the names of } Hurriehunder Ghose.  
Insolvents, }  
Index of Testators and }  
Intestates, }  
Signed John Cox,  
District Registrar.

RECEIPT.  
No. 50 Calcutta, District Register Office.  
Assurance deposited in this Office, on the 12th day of January 1853, at 20 Minutes past 1 P. M.  
Date of Assurance, . . . 10th January 1853.  
Parties to ditto, . . . John Cochrane,  
Offl. Assn. of the 1st part.  
Hurriehunder Ghose, . . 2nd part.  
Dwarkanath Ghose, . . 3rd part.  
Entries in Indexes to }  
"The General Register," . . }  
Index of the names of } John Cochrane.  
Grantors, }  
Index of the names of } Hurriehunder Ghose.  
Insolvents, }  
Index of Testators and }  
Intestates, }  
Signed John Cox,  
District Registrar.

N. B.—The words and figures in Italics in this Schedule to be filled up as the case may be, and references must be added to all other Indexes in which the Assurance is registered.

FORM 2.

Receipts for Register of Leases.

RECEIPT.  
No. 10 Calcutta, District Register Office.  
Lease deposited in this Office, on the 10th day of January 1853.  
Date of Lease, . . . . . 9th of January 1853.  
Parties to ditto, . . . . . Muttylall Doos.  
Annundchunder Ghose.  
Entries in Indexes to  
"the Register of  
Leases," . . . . . Index of Titles, { No. 1 of 20 Flag  
Street, Calcutta.  
Index of the  
names of Les-  
sors, . . . . . } Muttylall Doos.  
Signed John Cox,  
District Registrar.

RECEIPT.  
No. 10 Calcutta, District Register Office.  
Lease deposited in this Office, on the 10th day of January 1853.  
Date of Lease, . . . . . 9th of January 1853.  
Parties to ditto, . . . . . Muttylall Doos.  
Annundchunder Ghose.  
Entries in Indexes to  
"the Register of  
Leases," . . . . . Index of Titles, { No. 1 of 20 Flag  
Street, Calcutta.  
Index of the  
names of Les-  
sors, . . . . . } Muttylall Doos.  
Signed John Cox,  
District Registrar.

N. B.—The words and figures in Italics in this Form to be filled up as the case may be.

Ordered, that the Draft now read be published for general information.

Ordered, that the said Draft be re-considered at the first Meeting of the Legislative Council of India, after the 21st day of February, 1852.

FRED. JAS. HALLIDAY,  
Secy. to the Govt. of India.

No. 185.  
Fort William, Home Department,  
the 25th February 1852.

NOTIFICATIONS.—Mr. A. C. Barwell, of the Civil Service, embarked for England on board the Ship "Trafalgar," which Vessel was left by the Pilot at Sea on the 21st instant.

No. 186.

Mr. H. S. Boulderson, of the Civil Service, embarked for England on board the Ship "Prince of Wales," which Vessel was left by the Pilot at Sea on the 21st instant.

No. 187.

Mr. J. Muir, of the Civil Service, embarked for the Cape of Good Hope, on board the Ship "Prince of Wales," which Vessel was left by the Pilot at Sea on the 21st instant.

No. 193.

The 27th February 1852.

The Most Noble the Governor General in Council has been pleased to grant Sir H. M. Elliot, K. C. B., Secretary to the Government of India, in the Foreign Department, leave of absence, on Sick Certificate, for one year, from the 1st proximo, to proceed to the Cape of Good Hope, or to any place within the limits prescribed by Section IV. of the Absentee Rules dated the 17th May 1843.

FRED. JAS. HALLIDAY,  
Secy. to the Govt. of India.

No. 14.  
Fort William, Judicial Department,  
the 27th February 1852.

NOTIFICATION.—The Most Noble the Governor General in Council is pleased to appoint Lieutenant E. Clerk, of the 4th Regiment Madras Cavalry, to be a 3rd Class Deputy Commissioner in the Saugor and Nerbudda Territories for one year, on probation.

EDW. THOMAS,  
Offg. Under-Secy. to the Govt. of India.

No. 390.  
Fort William, Foreign Department,  
the 27th February 1852.

NOTIFICATIONS.—Lieutenant-Colonel F. H. Sandys, Political Agent at Mehidpore, resumed charge of his duties on the 1st instant.

No. 405.

The Most Noble the Governor General in Council is pleased to grant fifteen days' leave of absence, on private affairs, to Lieutenant J. W. Bristow, Assistant Commissioner of Jhung, to commence from the date he may leave his station.

EDW. THOMAS,  
Offg. Under Secy. to the Govt. of India,

No. 4.  
Fort William, Financial Department,  
the 14th February 1852.

NOTIFICATION.—Notice is hereby given, that the Salaries, Pay, Batta, and Allowances of the Civil, Military, and Marine Departments, for February 1852, will be payable as under:—

Military and Marine Departments, on Wednesday, the 10th proximo.

Civil ditto, on Monday, the 15th proximo.

By order of the Hon'ble the President in Council,

J. A. DORIN,  
Secy. to the Govt. of India.

No. 435.  
Orders by the Most Noble the Governor of Bengal.

Appointments.—The 22nd February 1852.—Mr. W. M. Dirom, Salt Agent of Chittagong, to be Salt Agent of Hidgelee.

Mr. F. W. Russell to be Salt Agent of Chittagong.

Leave of Absence.—The 19th February 1852.—The leave of absence, for one month, under Section XXV. of the Amended Absentee Rules, granted by the Lord Bishop to the Reverend H. R. Shepherd, Chaplain of Dacca, from the 17th instant, has been confirmed.

*The 23rd February 1852.*—Mr. F. Gouldsbury, Commissioner of Cuttack, for fourteen days, under Section XI. of the Amended Absentee Rules, retaining charge of his office during that period.

Mr. G. G. Balfour, Magistrate of Monghyr, for six months, on Medical Certificate.

Mr. F. J. Cockburn, Assistant to the Magistrate and the Collector of Patna, for six months, on Medical Certificate, in extension of the leave granted to him under orders of the 4th August last.

Mr. B. W. Colvin, Assistant to the Magistrate and the Collector of Bhaugulpore, for two years, on Medical Certificate, to proceed to Sea, within the limits of the Company's Charter.

*Notification.—The 19th February 1852.*—The Most Noble the Governor of Bengal has been pleased to sanction the formation of a Sub-Division in the Eastern part of the Midnapore District, composed of the Thannahs noted in the margin\* to be called the Tumlook Sub-Division, with Tumlook for its Head Quarters.

His Lordship has also been pleased to sanction Thannah Kadoorgan being made over to the Nugwan Sub-Division, in lieu of Thannah Bamunarah, transferred to the Sub-Division of Tumlook.

*The 27th February 1852.*—Captain E. T. Dalton, Officiating Principal Assistant to the Commissioner of Assam at Luckimpore, resumed charge of the Treasury of the Collectorate and his Judicial and Revenue Offices from Lieutenant H. S. Bivar on the 9th instant.

Mr. E. F. Lantour, of the Civil Service, reported his departure for Europe on the Steam Ship "Oriental," which Vessel was left by the Pilot at Sea on the 9th instant.

Mr. T. Wyatt, Civil and Sessions Judge of Rungpore, resumed charge of the current duties of his office from Moulvee Syed Ahmud Bux, the Principal Sudder Ameen of the District, on the 19th instant.

Mr. H. D. H. Fergusson received charge of the Monghyr Collectorate from Mr. L. S. Jackson on the 19th instant.

Mr. W. J. Longmore made over charge of the Collectorate of Jessore to Mr. C. S. Belli on the 20th instant.

Lieutenant H. Dixon received charge of the Khoordah and Balasore Paik Companies from Lieutenant C. Pulley on the 14th instant.

Mr. P. Taylor received charge of the office of Civil and Sessions Judge of West Burdwan from Moulvee Osman Ally, Principal Sudder Ameen of the District, on the 23rd instant.

Mr. G. U. Yule, Collector of Dinagpore, made over charge of his office to Mr. E. S. Pearson on the 23rd instant.

Mr. W. J. Allen resumed charge of the Treasuries of the Collectorate, Magistracy, Salt Office and Custom House of Balasore on the 23rd instant.

Messrs. A. Dick and W. M. Dirom, of the Civil Service, reported their departure to Sea on the Ship "Prince of Wales," which Vessel was left by the Pilot on the 21st instant.

By Order of the Most Noble the Governor of Bengal.

J. P. GRANT,  
Secy. to the Govt. of Bengal.

No. 774 of 1852.

*Orders by the Hon'ble the Lieutenant Governor of the North-Western Provinces.*

Judicial and Revenue Department,  
Agra, the 21st February 1852.

*Appointment.*—Mr. F. C. Forbes to be an Assistant in the Agra Division.

W. MUIR,  
Secy. to the Govt., N. W. P.

*General Orders by the Most Noble the Governor General of India in Council.*

Fort William, 26th February 1852.

No. 137 of 1852.—Lieutenant Charles Warde, of the 68th Regiment Native Infantry, is permitted to proceed to New South Wales, on Medical Certificate, and to be absent from Bengal on that account for two years.

Fort William, 27th February 1852.

No. 138 of 1852.—The undermentioned Gentleman is admitted to the Service in conformity with his appointment by the Hon'ble the Court of Directors, as a Cadet of Artillery on this Establishment, and promoted to the rank of 2nd Lieutenant from the date assigned to him in Government General Order, No. 444, of the 22nd August 1851.

Date of Arrival at  
Fort William.

Artillery

Mr. Charles Vaughan Arbuckle, 23rd Feb. 1852.

No. 139 of 1852.—The undermentioned individuals are admitted to pension, as specified opposite to their names, under the provisions of Minutes of Council, of the 11th January 1797, and General Order, dated 5th February 1820, subject to the confirmation of the Honorable the Court of Directors:

Quarter Master Serjeant Thomas Doyle, of the 73rd Regiment Native Infantry, ..  
Serjeant Thomas Armstrong, attached to the Burrisaul Division, Department Public Works, .....

Two (2s.) shillings each per diem, payable, the former in Europe, and the latter at the Cape of Good Hope.

No. 140 of 1852.—The undermentioned Officers are promoted to the rank of Captain, by Brevet, from the date expressed opposite to their names.

18th Regt. N. I.,—Lieut. Frederick Cooper Tomba, ..... 24th February  
6th Regt. Light Cavy.,—Lieut. Henry Robert Grindlay, ..... 1852.

No. 141 of 1852.—The services of Lieutenant A. Pearson, of Artillery, are placed at the disposal of the Foreign Department, for employment in Scindiah's Contingent.

No. 142 of 1852.—The undermentioned Officer is permitted to proceed to Europe on Furlough.

Lieutenant-Colonel Charles George Ross, of the 43rd Regiment Native (Light) Infantry, ... } On private affairs.

J. S. BANKS,  
Deputy Secy. to the Govt. of India,  
Mily. Dept.



GENERAL ORDER BY THE MOST NOBLE THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

FORT WILLIAM, THE 27TH OF FEBRUARY 1852.

No. 145 of 1852.—In conformity with the 8th paragraph of the Hon'ble Court's Military Letter to the Government of India, No. 14, of the 13th August 1851, published in General Order, No. 144, of 1852, the following Statement of Deposits made in the General Treasury, during the month of January 1852, on account of Estates of deceased European Commissioned, Non-Commissioned and Warrant Officers and Soldiers of the East India Company's Service, is published for general information; and it is hereby notified that claims to the Estates in question which shall not be preferred to the Sub-Treasurer by Executors or Administrators before the conclusion of twelve months after the date of decease, cannot be attended to in this Country, as the money, after that period, will be remitted to, and made payable by, the Hon'ble the Court of Directors only.

Statement of Deposits made at the General Treasury of Fort William, on account of Estates of deceased European Commissioned, Non-Commissioned and Warrant Officers and Soldiers of the East India Company's Service, in January 1852.

Date of Deposit.	On whose Account.	Rank.	Corps.	General Number.	Date of Decease.	Intestate or otherwise.	Total amount Deposited.	How disposed of.				Rate of Exchange.	Remarks.
								Amount paid in India.	Amount retained in India.	Amount remitted for Payment in England.			
										In Company's Rupees.	Equivalent in Sterling.		
COMMISSIONED AND WARRANT OFFICERS.													
3rd.	Richard Henn Gennys.	Lieutenant.	44th N. I.,	.....	9th Feb. 1851.	.....	4,069 15 1	.....	.....	.....	.....	.....	.....
5th.	John Storrs.	Ensign.	Unattached,	.....	10th Sept. "	.....	192 2 8	.....	.....	.....	.....	.....	.....
"	Henry Octavius Frederick.	Lieut.-Colonel.	67th N. I.,	.....	3rd Oct. 1849.	.....	995 6 6	.....	.....	.....	.....	.....	.....
6th.	John Palmer.	Lieutenant.	3rd Regt. Punjab Infy.,	.....	23rd " 1851.	.....	464 5 3	.....	.....	.....	.....	.....	.....
"	George Elliot.	Ditto.	2nd Eur. Bl. Fusiliers.	.....	27th Sept. 1851.	.....	222 0 0	.....	.....	.....	.....	.....	.....
9th.	John Palmer.	Ditto.	3rd Regt. Punjab Infy.	.....	23rd Oct. 1849.	.....	1,200 15 4	.....	.....	.....	.....	.....	.....
15th.	Thomas Staples.	Ditto.	1st Eur. Bl. Fusiliers.	.....	19th July 1851.	Intestate.	50 4 11	.....	.....	.....	.....	.....	.....
"	Augustus Burke Morris.	Brevet Captain.	20th N. I.,	.....	20th Sept. 1849.	.....	150 0 0	.....	.....	.....	.....	.....	.....
21st.	Alfred Collins.	Assistant Surgeon.	Doing duty with 2nd Battalion Artillery.	.....	16th June 1851.	.....	3,966 8 6	.....	.....	.....	.....	.....	.....
"	James Thompson.	Captain.	19th N. I.,	.....	31st Dec. 1850.	.....	100 0 0	.....	.....	.....	.....	.....	.....
24th.	Philip Osborne Gibbs.	Lieutenant.	41st N. I.,	.....	21st Aug. "	.....	24 6 8	.....	.....	.....	.....	.....	.....
"	Archibald Stewart Galloway.	Ditto.	3rd Lt. Gvy. and Assist. Qr. Mr. Genl. Sirhind Divn. of the Army.	.....	11th Sept. 1851.	Testate.	225 11 3	.....	.....	.....	.....	.....	.....
28th.	Henry Octavius Frederick.	Lieut.-Colonel.	67th N. I.,	.....	3rd Oct. "	.....	650 0 0	.....	.....	.....	.....	.....	.....
30th.	David Cabel Kettler.	Major.	6th N. I.,	.....	17th Nov. 1850.	.....	46 11 0	.....	.....	.....	.....	.....	.....
"	William Alexander, C. S.	Lieut.-Colonel.	8th Light Cavalry.	.....	2nd Oct. 1851.	.....	2,778 10 8	.....	.....	.....	.....	.....	.....
NON-COMMISSIONED OFFICERS & SOLDIERS.													
5th.	Thomas Johnstone.	Bugler.	1st Co. 26th Lt. Infy.	.....	18 15th Nov. 1851.	.....	110 11 1	.....	.....	.....	.....	.....	.....
"	Daniel Cunningham.	Sergeant.	2nd Tp 2nd Bde H. A.	504	8th " 1848.	Intestate.	38 0 0	.....	.....	.....	.....	.....	Left a brother in Ireland.

Date of Deposit.	On whose Account.	Rank.	Corps.	General Number.	Date of Decease.	Intestate or otherwise.	Total amount Deposited.	How disposed of.			Rate of Exchange.	Remarks.
								Amount paid in India.	Amount retained in India.	Amount remitted for Payment in England.		
6th.	James Brown.	Private.	9th Co. 2nd En Bt Fus.	287	16th Oct. 1851.	Intestate,.....	5 0 0	.....	.....	.....	.....	Next of kin, sister, Brown, York Street, Westminster.
7th.	James Crawley.	Invalid Gunner, ...	2nd Tp 3rd Bde H. A., ...	.....	28th Feb.	Ditto, .....	41 2 4	.....	.....	.....	.....	
"	James Gamble.	Invalid Private, ..	1st En Bt Fusiliers, ..	.....	2nd Dec.	Ditto, .....	37 11 5	.....	.....	.....	.....	
"	James Maher.	Invalid Private, ..	Ditto, .....	.....	6th "	Ditto, .....	20 4 6	.....	.....	.....	.....	
"	Michael Mooney.	Pensioned Gunner, ..	2nd Tp 3rd Bde H. A., ...	.....	4th "	Ditto, .....	5 1 4	.....	.....	.....	.....	
"	Wm. H. Grosvenor.	Invalid Ditto, ....	3rd Tp 2nd Bde H. A., ...	.....	3rd March 1851.	Ditto, .....	53 1 4	.....	.....	.....	.....	
"	Isaiah Beaton.	Ditto, .....	4th Co. 1st Bn Arty, ...	.....	20th Nov. 1850.	Ditto, .....	51 15 9	.....	.....	.....	.....	
"	Richard Dunleavy.	Ditto, .....	Ditto, .....	.....	2nd March 1851.	Ditto, .....	152 8 6	.....	.....	.....	.....	
"	John Clancy.	Ditto, .....	3rd Tp 1st Bde H. A., ...	.....	4th Dec. 1849.	Ditto, .....	10 8 3	.....	.....	.....	.....	
9th.	Michael Mitchell.	Pensioned Ditto,...	1st Co. 1st Bn Arty, ...	.....	7th Jan. 1851.	Ditto, .....	62 13 5	.....	.....	.....	.....	
"	John Nightingale.	Gunner, .....	3rd ditto, .....	1067	14th July "	Ditto, .....	77 14 4	.....	.....	.....	.....	
"	Patrick Duggan.	Ditto, .....	1st ditto, .....	5258	4th April "	Ditto, .....	100 13 3	.....	.....	.....	.....	
"	Robert Halliday.	Serjeant, .....	Assist. Overseer Eastern Jumna Canal, .....	.....	19th Aug. 1850.	.....	441 8 9	.....	.....	.....	.....	
"	Edwin Brown, alias Charles Meadows.	Private, .....	3rd Co. 1st En Bt Fus., ...	.....	10th Feb. 1851.	Intestate, .....	33 9 9	.....	.....	.....	.....	
"	Michael Donovan.	Ditto, .....	Ditto, .....	189	4th June "	Ditto, .....	15 14 9	.....	.....	.....	.....	
"	John Boyle.	Ditto, .....	Ditto, .....	47	17th April "	Ditto, .....	19 6 10	.....	.....	.....	.....	
13th.	George Hale.	Gunner, .....	2nd Tp 2nd Bde H. A., ...	6721	29th July "	Ditto, .....	48 13 3	.....	.....	.....	.....	
"	Samuel Auchison.	Corporal, .....	4th Co. 6th Bn Arty, ...	3415	23rd May "	Ditto, .....	69 9 4	.....	.....	.....	.....	
"	James Fox.	Gunner, .....	3rd Co. 1st Bn Arty, ...	286	7th Aug. "	Ditto, .....	15 9 9	.....	.....	.....	.....	
"	Bernard Kirwan.	Ditto, .....	Ditto, .....	6735	15th June "	Ditto, .....	58 10 6	.....	.....	.....	.....	
21st.	Richard Owens.	Private, .....	1st-En Bt Fusiliers, ...	936	5th Sept. "	Ditto, .....	22 15 4	.....	.....	.....	.....	
"	Thomas Barker.	Offg. Laboratory Serjeant, .....	Peshawar Magazine, ...	.....	24th Aug. "	Ditto, .....	35 4 1	.....	.....	.....	.....	
"	Thomas Johnstone.	Rugler, .....	1st Co. 26th L. I., .....	18	15th Nov. "	Intestate, .....	4 8 0	.....	.....	.....	.....	
31st.	Michael Mitchell.	Pensioned Gunner, ..	1st Co. 1st Bn Arty, ...	.....	7th Jan. "	Intestate, .....	304 5 9	.....	.....	.....	.....	
							Co.'s Re. 16,964 15 5					

Fort William, General Treasury, 31st January 1852.

(Signed)

J. I. HARVEY, Sub-Treasurer.

E. F.

J. S. BANKS.

Depty. Secy. to the Govt. of India, Mily. Dept.

*General Orders by the Most Noble the Governor General of India in Council.*

*Fort William, 27th February 1852.*

No. 143 of 1852.—Surgeon Charles Madden, of the Medical Department, is permitted to proceed to Australia and New Zealand, on Medical Certificate, and to be absent from Bengal on that account for two years.

No. 144 of 1852.—The following paragraphs of a Military Letter, No. 14, from the Hon'ble the Court of Directors to the Governor General of India in Council, dated 13th August 1851, are published for general information.

“6. On the 1st of every month, the Sub-Treasurer should furnish to the Secretary to Government, in the Military Department, an account of all deposits in the General Treasury made on account of the estates of deceased Officers and Soldiers in the Company's Service, during the preceding month.

7. In this account the Officer's or Soldier's name, corps, and date of death, should be stated, together with the amount deposited on account of his estate, and the date on which the deposit was made.

8. The Military Secretary, on receipt of this document, should cause it to be published in the Government Gazette, at the same time notifying that such estates against which no claim may be preferred within twelve months from the date of the Officer's or Soldier's death, as therein specified, will cease to be payable in India.

9. Returns of sums which under this Notification shall have ceased to be payable in India should be prepared monthly, and contain the names of all Officers and Men, and of those only, whose Estates had remained in India during the specified period of twelve months after the date of the party's decease. They should be made up on the 1st of every month succeeding the one in which the twelve months from the date of the Officer's or Soldier's death expired, and be forwarded to this Country by the following mail.”

No. 146 of 1852.—Colonel James Stuart, C. B., of the 34th Regiment Native Infantry, Secretary to the Government of India, Military Department, is permitted to proceed to New South Wales, on Medical Certificate, and to be absent from Bengal on that account for two years.

No. 147 of 1852.—The Most Noble the Governor General of India in Council is pleased to make the following promotions:—

*34th Regiment Native Infantry.*

Lieutenant Reginald Ouseley	} From the 21st February 1852, in succession to Captain Charles Hamilton Wake, retired.
to be Captain of a Company,	
Ensign Francis Henry Hammer to be Lieutenant, .....	

No. 148 of 1852.—Lieutenant George Birch, of the 60th Regiment Native Infantry, is permitted to proceed to the Cape of Good Hope and Australia, on Medical Certificate, and to be absent from Bengal, on that account, for two years.

No. 149 of 1852.—The Furlough to Europe, on private affairs, granted to Colonel Andrew Hervey, C. B., of the 52nd Regiment Native

Infantry, in General Order, No. 667, of the 19th December 1851, is at his request, cancelled.

J. S. BAKER,

*Depty. Secy. to the Govt. of India.  
Mily. Dept.*

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, One Second (1s.) before Mean Noon.

*Fort William, 23rd February 1852.*

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Three Quarters of a Second (¾s.) after Mean Noon.

*Fort William, 26th February 1852.*

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Three Quarters of a Second (¾s.) before Mean Noon.

H. P. BURN,  
*Town Major.*

*Fort William, 27th February 1852.*

NOTICE.—The General Treasury will be closed on Saturday the 6th and Monday the 8th proximo, on account of the Hindoo Holidays Dole Jattr.

J. I. HARVEY, *Sub-Treasurer.*

*General Treasury, the 24th February 1852.*

#### **General Post Office Notifications.**

*Export Overland Mail per P. and O. Co.'s Steamer "Hindustan," direct from Calcutta.*

NOTICE is hereby given, for general information, that the Mails for Suez and the intermediate Ports, (Madras, Ceylon, Aden, Penang, Singapore and Hong kong,) intended for transmission by the Peninsular and Oriental Company's Steam-vessel "Hindustan," will be closed at this Office on Saturday the 6th Proximo, and that an After-Packet will be despatched hence on Monday, the 8th idem, with the ordinary Mail, to ensure its arrival at Kedgerree, in time to reach the Steamer. The public are particularly requested to observe that no Letters for the "Hindustan" can be received after 3 P. M. of that date.

J. R. BURLTON BENNETT,  
*Deputy Post Master General, in Charge.*  
*Fort William, Genl. Post Office, }*  
*The 13th February 1852. }*

NOTICE.—The Cart conveying the Mails for the North Western Provinces was attacked by Dacoits on the 23rd ultimo, while in transit between the Arrah and Benares Districts, at about a Mile East of Sunna Dāk Chokee, and the Mails carried off. The Mails have all been recovered, with the exception of the Sherghotty Wallet of that date for Benares, which contained the undermentioned Packets:—

- 5 Packets from Gyah for Benares.
- 1 Packet from Dum Dum for Ditto.
- 1 Ditto from Chanderungore for Ditto.
- 1 Ditto from Bogodhur for Ditto.
- 1 Ditto from Mungulpore for Ditto.
- 1 Ditto from Burdwan for Ditto.
- 2 Packets from Sherghotty to Ditto.

J. R. BURLTON BENNETT,  
*Deputy Post Master General,*  
*Calcutta, Genl. Post Office, }*  
*the 5th January 1852. }*



NOTICE.—The subjoined copy of a letter, No. 12827, dated 28th April last, from the Secretary to Her Majesty's General Post Office, London, is published for general information.

J. R. BURLTON BENNETT,  
Deputy Post Master General, in Charge.  
Calcutta, Genl. Post Office, }  
The 30th June, 1851. }

Colonial. No. 12827.  
General Post Office, 26th April, 1851.

SIR,—Referring to your letter of the 6th ultimo on the subject of the New Postal Convention between Great Britain and the United States, I beg to acquaint you, that letters arriving in this Country from India, addressed to the United States, can be sent forward to their destination, leaving the British Postage chargeable for their conveyance, to be paid by the persons to whom they are addressed.

I am, &c.,  
(Sd.) W. L. MABERLY.  
The Post Master General, Calcutta.  
(True Copy.)

J. R. BURLTON BENNETT,  
Deputy Post Master General, in Charge.

NOTICE.—The subjoined copy of a Despatch No. 29 of 1851, from the Honorable the Court of Directors, dated the 24th September, forwarded to this Office by the Government of Bengal, is published for general information.

J. R. B. BENNETT,  
Deputy Post Master General,  
in Charge.

Calcutta, General Post Office, }  
the 8th November, 1851. }

PUBLIC DEPARTMENT,

No. 29 of 1851.

Our Governor of the Presidency of Fort William  
in Bengal.

1st. We have been informed, by direction of Her Majesty's Post Master General, under date the 18th instant, that "His Lordship has obtained the authority of the Treasury to despatch in future from the General Post Office in London the Mail for India *via* Marseilles on the evening of the 8th of the month, instead of the 7th as hitherto, except on the occasions of the 8th falling on a Sunday, when the Mail will be despatched on the evening of the following day, and that this arrangement will come into operation with the Mail of the 8th proximo."

2nd. You will be careful, that the several Post Masters under your Presidency are duly advised of this alteration which we have by the present Mail notified to our Agents at Aden and in Egypt.

We are, &c.,  
(Signed) JOHN SHEPHERD,  
and 12 other Directors.  
London, the 24th September, 1851.

(True Copy.)  
(Signed) W. SERON-KARR,  
Under Secy. to the Govt. of Bengal.  
(True Copy.)

J. R. B. BENNETT,  
Deputy Post Master General, in Charge.

NOTICE.—The subjoined copy of a Notice issued by the London General Post Office, is published for general information.

J. R. BURLTON BENNETT,  
Deputy Post Master General, in Charge.  
Calcutta, Genl. Post Office, }  
the 30th April, 1851. }

Instructions No. 4, 1851. By Command of the  
Post Master General.

Notice to the Public and Instructions to all Post  
Masters, Sub-Post Masters and Letter Receivers.

Parliamentary Proceedings to India and Hong  
Kong, *via* Southampton.

General Post Office, February, 1851.

On and after the 1st March next, printed votes and proceedings of the Imperial Parliament, and of the Colonial Legislatures, may be transmitted by the Post between the United Kingdom and the East Indies, or Hong Kong, *via* Southampton, (subject, however, to all the existing regulations and restrictions) at the following reduced rates of postage, viz.:

For any weight not exceeding four	} 1 d.
Ounces, .....	
Ditto exceeding four	} 2 d.
Ounces and not exceeding eight Ounces...	
Ditto exceeding eight	} 3 d.
Ounces and not exceeding twelve Ounces,	
Ditto exceeding twelve	} 4 d.
Ounces and not exceeding sixteen Ounces,	

and so on in proportion, viz., for every additional four Ounces in weight, above the weight of sixteen Ounces, an additional rate of one Penny, it being understood, that any lesser weight than four Ounces, shall be charged as four Ounces.

This Postage, which is entirely British Postage, and does not include the rate chargeable for conveyance in India, must, in all cases, be paid in advance.

(True copy,)

J. R. BURLTON BENNETT,  
Dy. Post Master General, in Charge.

NOTICE.—The subjoined Extract from a Letter dated 5th instant, received from the Post Master Hyderabad, is published for general information.

J. R. BURLTON BENNETT,  
Deputy Post Master General.  
Calcutta, Genl. Post Office, }  
the 17th September, 1851, }

Extract of a Letter from Captain W. Shelly, Post  
Master, Hyderabad, to C. P. Brown, Esq., Post  
Master General, Fort Saint George, No. 197,  
dated 5th September, 1851.

That all Letters, Papers and Parcels, addressed to Warungull, should be superscribed *via* Secundrabad, instead of *via* Nadericull as heretofore, the runners stationed between the latter station and Warungull having been removed, and posted on a direct route from Secundrabad to Warungull.

(True Extract,)

J. R. BURLTON BENNETT,  
Deputy Post Master General.

**OPIUM NOTIFICATION.**—Notice is hereby given, that the Third Sale of Opium, the Provision of 1850-51, will be held at the Exchange Hall, on Wednesday, the 10th March 1852, at 11 A. M., and will comprise 2,800 Chests, viz.:

Behar Opium,..... 1,920  
Benares Ditto, ..... 880

Total Chests,... 2,800

2. The general conditions of the sale now advertised will be the same as usual. They may be ascertained by reference to the Notification issued on the 5th November 1851, and published in the *Calcutta and Rangoon Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 16th and 25th March 1852, respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper, or other Public Securities that may be tendered for Deposit in redemption of Promissory Notes given by purchasers at the Sale, will be received after 4 P. M. of Tuesday, the 16th March 1852; and no Treasury Receipts in full payment of lots will be accepted after 4 P. M. of Thursday, the 25th March 1852.

4. In addition to the quantity above advertised for Sale, the following quantities, more or less, of Behar and Benares Opium of 1850-51, will be brought to Sale in the present year on or about the dates specified below:

	Behar, about Chests.	Benares, about Chests.	Total, about Chests.
On or about Monday, 12th April 1852,.....	1920	880	2800
On or about Monday, 10th May 1852,.....	1920	880	2800
On or about Thursday, 10th June 1852,.....	1920	880	2800
On or about Monday, 12th July 1852,.....	1920	880	2800
On or about Tuesday, 10th August 1852,...	1920	880	2800
On or about Friday, 10th September 1852, }	1920	880	2800
On or about Monday, 11th October 1852,...	1920	880	2800
On or about Wednesday, 10th November 1852, }	1920	880	2800
On or about Friday, 10th December 1852, }	1892	869	2761
	17252	7909	25161

By order of the Board of Revenue, Fort William, the 21st February 1852,

CECIL BEADON, *Junior Secretary.*

**OPIUM NOTIFICATION.**—With reference to the advertisement issued from this Office, under date 5th November 1851, it is hereby notified, that 300 Chests of Behar Opium of the sale held on the 10th February 1852, which were reserved for the French Government, and have not been cleared, will be resold on account of Government at the Exchange Hall, on Wednesday, the 10th March 1852, immediately after the conclusion of the sale of 2,800 Chests advertised for that day.

2. The conditions of resale will be the same as those of the sale of the 2,800 Chests referred to.

By order of the Board of Revenue,

CECIL BEADON,

*Junior Secretary.*

Fort William,  
the 25th February 1852. }

**NOTIFICATION.**—An examination will be held early in April 1852, in the College of Fort William, for the purpose of filling up existing vacancies in the Military Class of the Medical College. All candidates will be expected to possess a knowledge of the Hindustani language, adequate to enable them to read and write it in the Persian or Devanagiri character.

2nd. All Interpreters of Regiments and Battalions will be requested, through the Military Departments, not to grant certificates of qualification to any candidate under the age of fifteen and above that of twenty years, and likewise to reject all who may not pass the prescribed ordeal with a sufficient degree of fluency and facility. Much disappointment, expence and inconvenience have already been experienced by lads from distant stations being furnished with certificates, who were found, on examination, quite unqualified for admission: and it is with a view to prevent the recurrence of this that the above measure has been adopted.

3rd. Candidates for admission will be required to present themselves before the Secretary to the Medical College, at least three days prior to the day of examination, in order that a proper descriptive roll may be prepared for transmission to the examiners of the College of Fort William.

4th. The preference in selection, attainments being equal, will be given to those who have already been attached to, or served in Civil or Regimental Hospitals.

5th. No candidate will be allowed to present himself for examination, who cannot produce a written testimonial of his conduct and character, or afford satisfactory evidence as to who and what he is. A few individuals of decidedly bad character have, upon recent occasions, managed to obtain admittance, it is supposed, by producing false papers: the strictest care and scrutiny will therefore be exercised in examining the credentials of all future candidates, who will, in addition, require to be furnished with regular muster rolls, in order that they may be identified.

6th. All pupils must, as a condition of their appointment, reside within the College premises at all times, and never be absent from morning and evening muster without special leave.

7th. All students in the Military Class are amenable to the Articles of War, and regularly enlisted as Soldiers.

8th. No candidate will be admitted to the School, who is physically unfit for the duties of a Soldier.

(By Order)

FRED. J. MOUNT, M. D.,

*Secretary, Council of Education.*

Fort William,  
The 20th January, 1852. }

**COMMISSARIAT NOTICE.**—Sealed Tenders will be received at the Executive Commissariat Office, Dinapore, up to 4 p. m. of the 12th March 1852, for the supply for 1 year from 1st May 1852, of Biscuits to the European Troops at Dinapore and Darjeeling.

Biscuits will be required once a week, and 4 days' supply must be kept in hand throughout the year to meet rejections of Bread, should any occur. Tenders must have rates specified in words as well as figures, and must be prepared for each station separately. A deposit of not less than Rs. 100 to be lodged with each Tender. Forms of Tenders may be had at the Dinapore Commissariat Office, and Tenders will be opened and read on the 13th March at noon precisely, in presence of such parties concerned as may choose to attend.

W. D. MACPHERSON,  
Sub A. C. General.

Dinapore, Executive Commissariat }  
Office, 18th February 1852. }

*Court for the Relief of Insolvent Debtors at Calcutta.*

In the matter of Samuel Howard Joynt, of No. 6, Somerset Place, Strand, in Calcutta, Merchant and Agent, formerly carrying on business of Merchants and Agents at No. 65, Clive Street Ghaut, Strand, in Calcutta, and at Benares in co-partnership with Thomas O'Callaghan, since deceased, under the name or style of Joynt and Co. in Calcutta, and O'Callaghan and Co., at Benares, together with Adolphus Mathew Francis Verploegh and the said Thomas O'Callaghan, since deceased, under the said name of Joynt and Co. at Calcutta, and O'Callaghan and Co. at Benares, afterwards carrying on the said business in co-partnership with the said O'Callaghan, since deceased, under the said name of Joynt and Co. at Calcutta, and O'Callaghan and Co. at Benares, afterwards carrying on business, as a Merchant and Agent under the name or style of Munt and Co. at Dinapore, in the Province of Behar, and afterwards carrying on business of a Merchant and Agent at Allahabad, in the province of Behar, under the name or style of McLeod and Co., and lately carrying on the said business of a Merchant and Agent at Cawnpore, in the North-Western Provinces of India, under the said name or style of Joynt and Co., an Insolvent trader.

In the matter of John DeSouza, late Head Master of the Jessore Government School, and at present proprietor and manager of the new Vernam Academy at Bow Bazar, in Calcutta, residing in Boitakhana in the said Town of Calcutta, an Insolvent.

In the matter of Rajessur Day, of No. 14, Hauteollah, Banahatta, in Calcutta, carrying on business as Jute Merchants, jointly with Rajnarain Ghonal and Ramcoomar Hazrah under the name, style and firm of Rajessur Day and Co., an Insolvent.

Notice, that the petitions of the said several Insolvents seeking the benefit of the Act XI. Vic. Cap. XXI. were respectively filed in the Office of the Chief Clerk on the 20th day of February instant, and by orders of the same date the estate and effects of the said Insolvents were respectively vested in the Official Assignee.

In the matter of Samuel Howard Joynt, of No. 6, Somerset Place, Strand, in Calcutta, Merchant and Agent, formerly carrying on business of Merchants and Agents at No. 65, Clive Street Ghaut, Strand, in Calcutta, and at Benares in co-partnership with Thomas O'Callaghan, since deceased, under the name or style of Joynt and Co. in Calcutta, and O'Callaghan and Co. at Benares, afterwards carrying on the said business at Calcutta and Benares, together with Adolphus Mathew Francis Verploegh, and the said Thomas O'Callaghan, since deceased, under the said name of Joynt and Co. at Calcutta, and O'Callaghan and Co. at Benares, afterwards carrying on the said business in co-partnership with the said O'Callaghan, since deceased, under the said name of Joynt and Co. at Calcutta, and O'Callaghan and Co. at Benares, afterwards carrying on business as a Merchant and Agent, under the name or style of Munt and Co. at Dinapore, in the Province of Behar, and afterwards carrying on business of a Merchant and Agent at Allahabad, in the Province of Behar, under the name or style of McLeod and Co., and lately carrying on the said business of a Merchant and Agent at Cawnpore, in the North-Western Provinces of India, under the said name or style of Joynt and Co., an Insolvent trader.

In the matter of John DeSouza, late Head Master of the Jessore Government School, and at present Proprietor and Manager of the new Vernam Academy at Bow Bazar in Calcutta, residing in Boitakhana in the said Town of Calcutta, an Insolvent.

In the matter of Rajessur Day, of No. 14, Hauteollah, Banahatta, in Calcutta, carrying on business as Jute Merchants, jointly with Rajnarain Ghonal and Ramcoomar Hazrah, under the name, style and firm of Rajessur Day and Co., an Insolvent.

Wiggin, Attorney.

Insolvents in person.

Chief Clerk's Office, 27th February 1852.

In the matter of Samuel Marengo, formerly of Chittagong, at present a prisoner in the Common Jail, late a Clerk in the office of the Magistrate of Chittagong aforesaid, an Insolvent.

Notice, that an application for an *ad interim* protection Order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Thursday, the 4th day of March next, at the hour of 10 o'clock in the forenoon.

“Any Creditor of the said Insolvent, desirous of opposing such application, do appear before the said Court at the time and place aforesaid.”

Senoult and Hedger, Attorneys.

On Friday, the 20th day of February, instant, It was ordered that the Hearing in these several matters shall be on the 1st day of May next, and that the said Insolvents do then respectively attend to be examined by the said Court.



In the matter of Charles Mottley, late of the Bengal Medical Establishment, and on the retired list, an Insolvent. } On Saturday, the 7th day of February instant, an account of the Receipts and Disbursements of the Official Assignee, from the 2nd day of January until the 7th day of February 1852, has been filed and may be inspected at the office of the Chief Clerk, and it was ordered that Saturday, the 6th day of March next, be appointed for the further Hearing in this matter for declaring a Dividend.

"Any Creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard having given notice to the Chief Clerk three clear days before the day of Hearing."

Cochrane, Assignee.

Chief Clerk's Office, 25th February 1852.

In the matter of Michael Schlatter, an Insolvent. } On Saturday, the 14th day of February instant, it was ordered that the several claimants or holders of the several Bills, that is to say, J. Greig, A. Patton and Co., account of Bill No. 352 of 1837, for Company's Rupees 4,997-4-8, Balance of account Kestner and Menard of Havre for Company's Rupees 420, Coll. James account of Bill No. 320 of 1837, for Company's Rupees 1,250, Balance of account William Shand and Co., of Glasgow, for Company's Rupees 35,872-9-1, Balance of account Daniel and Thomas Willis, of Liverpool, for Company's Rupees 21,723-1, Rohzdorf, father and son, of Zurich in Switzerland account of Bill No. 323 of 1837, for Company's Rupees 3,816-5-4. Captain and Owners of the Bark Perthshire in England for Company's Rupees 30,000, Captain and Owners of Bark Marinus in England for Company's Rupees 30,000, respectively, named in the Schedule marked A. annexed to the petition of the said Assignee, filed in court, do, on or before the first Saturday in the month of February 1853, come in and prove their respective claims, and claim dividends from the said Assignee, and in default thereof that the same be expunged, and the amount reserved in the hands of the said Assignee for Dividends in respect of the said claimants, be divided amongst the other creditors of the said Insolvent Firm, generally, in proportion to the amount of their respective claims and Demands against the said Insolvent Estate.

J. Cochrane, Assignee.

Sheriff's Office, the 11th February 1852.

NOTICE is hereby given, that a Sessions of Oyer and Terminer and Gaol Delivery, and also an Admiralty Sessions will be holden by the Supreme Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and places subordinate thereto, at the Court House, in the Town of Calcutta, on Monday, the First day of March next, at 12 o'Clock at Noon.

The Court will open on the first day of the Sessions at 12 o'Clock at Noon, and upon each succeeding day, precisely at 11 o'Clock in the Forenoon, of which all persons are required to take notice.

JOHN DEFFELL, Sheriff.

নরিক আকিস ১১ ফিল্ডয়ারি ১৮৫২ সাল।

সম্রাটর দেওয়া বাইতেছে যে আগামী ১ মার্চ সোমবার দুই প্রহরের সময় শহর কলিকাতার কোর্ট উইলিয়মের এবং তাহার অধিপতি যে সকল হান তদ্বিধিতে বন্দোবস্তের কোর্ট উইলিয়মের সুপ্রিম কোর্ট আপন আদালত ঘরে ওএর টরমিনর এবং এডমিরেল্টী অর্থাৎ মহাসুন্দর সম্বন্ধীয় মোকদ্দমা বিচার্য জন্য এক দেশীয়ান অর্থাৎ মিছিল করিবেন।

এই দেশীয়ান বতকাল পর্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এবিধ সকলে অরণ রাখুন।

JOHN DEFFELL Sheriff.

নরিক।

NOTICE is hereby given that at a General and Quarter Sessions of the Peace holden at the Office of Her Majesty's Justices of the Peace in the Town of Calcutta, on Tuesday, the 24th day of February instant, It was ordered, that in pursuance of the tenor of Sections 29 and 38 of Act X. of 1852, entitled an Act "for constituting Commissioners for the Improvement of the Town of Calcutta," the assessment of the several houses, buildings, and grounds within the said Town for the Quarter of the year comprising the months of February, March and April 1852, has been raised from five per cent., or the one-twentieth part, to six and one quarter per cent. or one anna in the Rupee, of their estimated gross annual value, according to which latter rate the said assessment will in future be demandable and payable by the owners and occupiers of the said several and respective houses, buildings, and grounds within the said Town.

It was also ordered, that in order to admit of time for the preparation of new books by the Assessor or Assessors containing the present rates of assessment, names of parties and numbers of premises within the said Town, no appeals will be received at the office of the said Justices against existing rates or applications for any alterations in the rate books, until the expiration of two consecutive quarters, namely, February, March and April, and May, June, and July 1852, and that the appeals and applications already presented at the office of the said Justices will be transferred to the Assessor or Assessors, and retained by him or them for the future consideration of the said Justices of the Peace of which due notice will be publicly given.

W. L. HARWOOD,

Clerk to the Justices.

Calcutta, Police Office, }  
24th February 1852. }

STOLEN.—The two Halves of a Bank of Bengal Note, No. 31577, amounting to Rs. 100, the payment of which has been stopped in the Bank. The owner of the Bank Note is Nobogopal Roy, an amlah in the Office of the 1st Class Assistant Agent Governor General, of Manbhoom.

In the Supreme Court of Judicature at Fort William in Bengal.

IN EQUITY.

Sree Muttu Puddomoney Dossee

versus

Ramdhone Mitter, Gocoolmoney Dossee and Rajlucky Dossee.

NOTICE is hereby given, that on the Tenth Day of March now next ensuing, or so soon thereafter as Counsel can be heard, this Court will be moved on behalf of the Complainant abovenamed for an Order that the Bill of Complaint filed in this Cause may be taken *pro confesso* as against the Defendants, Ramdhone Mitter and Gocoolmoney Dossee, for want of answer pursuant to the Rule of this Honorable Court in this behalf made and provided, dated this fifth day of February One Thousand Eight Hundred and Fifty-two.

G. O. BEEBY.

Complainant's Solicitor.

সূবে বাঙ্গালার কোর্ট উইলিয়াম হুগল সফ্রাভ  
প্রধান বিচারালয়।

ইন ইকুইটি

ঐমতি পছন্দনী দাসি—বাদি  
রামধন মিত্র গোকুলমণী দাসি  
এবং রাজলক্ষী দাসি—প্রতি-  
বাদিগণ।

এতদ্বারা লক্ষ্যবাদ দেওয়া বাইতেছে যে আগামী  
দশই মার্চ দিবসে কিম্বা তৎপরে যত দিগু কৌশলি  
চলানি করিতে পারে উপরোক্ত বাদির পক্ষে এইরূপ  
এক হুকুমের জন্য অত্র আদালতে আবেদন করা  
বাইবেক যে অত্র মোকদ্দমার যে বিলকাইল হয়  
তাহা রামধন মিত্র ও গোকুলমণী দাসির বিরুদ্ধে  
তাহারা জওয়ার না দেওয়াতে এই আদালতের  
নিয়মানুসারে প্রোকনকসো অর্থাৎ এক তরকা  
হরণ গৃহণ করা যার তারিখ ৫ ফেব্রুয়ারি ১৮৫২।

জি ও বি:

বাদির উকীল

# BANK OF BENGAL RATES.

## DISCOUNT.

Private Bills and Notes at or within }  
13 months, ..... } 9 per Cent.  
Government Acceptances do., .... 5 " "

## INTEREST CHARGED.

On Fixed Loans, not exceeding 3 }  
months, on Deposit of Company's }  
Paper, ..... } 7 " "  
On Deposit of Opium, ..... 8 " "  
On Deposit of Metals and Indigo, 8 " "  
On Deposit of other Goods, .... 9 " "  
On Accounts of Credit, not exceed- }  
ing 3 months, on Deposit of Com- }  
pany's Paper, ..... } 7 1/2 " "  
On Deposit of Opium, ..... 8 1/2 " "  
On Deposit of Metals and Indigo, 8 1/2 " "  
On Deposit of other Goods, .... 9 1/2 " "

W. GREY, Secy. & Treasurer.

Bank of Bengal,  
Calcutta, 26th Feb. 1852. }

## North-Western Bank of India.

THE opinion of Counsel, which has been taken as resolved by the Shareholders at the last Half-yearly General Meeting, being favorable to the feasibility of registering the Bank under Act No. XLIII. of 1850, the Manager hereby calls a Special Meeting of the Shareholders for the purpose of resolving that the Company shall be registered under the said Act, to be held at the Bank Premises, No. 4, Old Council House Street, Calcutta, at Noon, on Tuesday, the 20th day of April 1852.

This notice is given in pursuance of and as required by the fourth Section of the said Act XLIII. of 1850.

JOHN O'B. TANDY,

Manager.

North-Western Bank of India, }  
Calcutta, 27th December 1851. }

LOST,—First Halves of two Bank of Bengal Notes, No. 13093 for Co.'s Rs. 15 and No. 2572 for Co.'s Rs. 20, the payment of which has been stopped at the Bank.

## Military Orphan Press.

IT is hereby notified, for general information, that from and after the date of this advertisement all Bills and Receipts connected with the Military Orphan Press, will be signed by the Secretary of the Military Orphan Society, and that without such signature no Bills nor Receipts will be considered valid and sufficient.

By order of the General Management of the Military Orphan Society,

JOHN T. D. KIDD,

KIDDERPORE, } Secy. M. O. S.  
31st January, 1851. }

## THIS DAY IS PUBLISHED,

The New Quarterly Bengal Army List,  
No. XII.

OF HER MAJESTY'S AND THE HON'BLE COMPANY'S  
FORCES ON THE BENGAL ESTABLISHMENT.

Exhibiting the Rank, Standing, and Various Services of every Officer in the Army, distinguishing those who have received Medals and other distinctions, and who have been wounded, and in what actions; with their period of Service and dates of Commission.

CORRECTED TO 10TH JANUARY, 1852.

To which is added,

A List of Civil Servants.

IN BENGAL AND THE NORTH-WESTERN PROVINCES  
with the dates of their Appointments, &c.

PRICE—Four Rupees, each Quarterly Number, or  
to Subscribers, 12 Rupees per Annum,

Payable in Advance.

It is requested that all communications, orders or remittances for the above Army List be sent to the publishers, R. C. Lepage and Co.

A few Copies of previous Numbers of the New Army List are available to parties desirous of securing a complete series of the publication.

13th January, 1852.



# APPENDIX TO The Calcutta Gazette.

Published by Authority.

SATURDAY, FEBRUARY 28, 1852.

বঙ্গ ও এতদেশীয় অপর ভাষাতে নামাক্রিত যে সকল চিঠির মালিকানের ঠিকানা বাহওয়াপ্রযুক্ত  
পূর্ণীয়া পোস্ট অফিসে ১৮৫০ সালের জানুয়ারি মাস তিসের মাসাহতে যে সকল চিঠি  
রাখিত হইয়াছে তাহার ফর্ম।

চিঠির সংখ্যা	চিঠির মালিকানের নাম	মালিকানের ঠিকানা	টেকিরেং
১৪৪৪	কালীপ্রসাদ মিত্র	পূর্ণীয়া	
১৪৪৫	আলিআজম	এ	
১৪৪৬	পিরবক্ক	এ	
১৪৪৭	রামচন্দ্র মুখোপাধ্যায়	এ	
১৪৪৮	ইন্দ্রজিত	কাড়াগোলা	
১৪৪৯	সেধ মহম্মদ	পূর্ণীয়া	
১৪৫০	ধকুর সিংহ	এ	
১৪৫১	কুরবানআলি	এ	
১৪৫২	পনু খেজমংগার	এ	
১৪৫৩	মহারাজ খাই	এ	
১৪৫৪	লক্ষীকান্ত শেন	এ	
১৪৫৫	হুম্মান সিংহ	এ	
১৪৫৬	রোলজান বাবু	এ	
১৪৫৭	শিবচরণ দেব	এ	
১৪৫৮	গোলাবচাঁদ	এ	
১৪৫৯	ভুলশী	এ	
১৪৬০	জাদবচন্দ্র ঘোষ	এ	
১৪৬১	গঙ্গানারায়ণ কর	এ	
১৪৬২	কাশীনাথ সরকার	এ	
১৪৬৩	বৈকুণ্ঠনাথ	এ	
১৪৬৪	মানিকচন্দ্র	এ	
১৪৬৫	মহম্মদআলি	এ	
১৪৬৬	এবানউল্লা	এ	
১৪৬৭	ইন্দ্রচন্দ্র রায় চৌধুরী	এ	
১৪৬৮	মুনশী বাহারদীন	এ	
১৪৬৯	বেনাম গেজেট	কিশনগঞ্জ	
১৪৭০	সেধ হোসেন	পূর্ণীয়া	
১৪৭১	পদারথরাম	এ	



চিঠির সংখ্যা	চিঠির মালিকানের নাম	মালিকানের ঠিকানা	টেকিফের
১৪৭২	গোপীনাথ দাস	ভাগলপুর	
১৪৭৩	বুধু মণ্ডল	পূর্ণীয়া	
১৪৭৪	গোপীকিশোর সিংহ	এ	
১৪৭৫	চন্দ্রীলাল বড়াল	সিন্ধুপুর	
১৪৭৬	কোতা মণ্ডল	পূর্ণীয়া	
১৪৭৭	গোবিন্দ রায়	আরা	
১৪৭৮	রহিমবক্স	এ	
১৪৭৯	মুন্সী হিব্বত	মুরসিদাবাদ	
১৪৮০	রামপ্রসাদ সিংহ	পূর্ণীয়া	
১৪৮১	মহম্মদ গিরিধারি	এ	
১৪৮২	স্বরূপসাদ	এ	
১৪৮৩	লালা সমরনন্দাল	এ	
১৪৮৪	এবরাহিম	এ	
১৪৮৫	মহারাজ সিংহ	ত্রিহট	
১৪৮৬	মদানী	পূর্ণীয়া	
১৪৮৭	আলিআহম্মদ	এ	
১৪৮৮	নিলবলন সাহেব	নাথপুর	
১৪৮৯	মহোর ধুবি	এ	
১৪৯০	ছদ্মন ঈ	কাড়াগোলা	
১৪৯১	সাহেবআলি	পূর্ণীয়া	
১৪৯২	মহম্মদহোসেন	এ	
১৪৯৩	কানায়প্রসাদ	এ	
১৪৯৪	লালজী শাহা	এ	
১৪৯৫	ভগবানপ্রসাদ সিংহ	এ	
১৪৯৬	ভগবান দাস	এ	
১৪৯৭	কানাইলাল	এ	
১৪৯৮	হেমনাথ সিংহ	এ	
১৪৯৯	উমা দেওয়ান	এ	
১৫০০	ভোজরাজ সিংহ	এ	
১৫০১	পিতাম্বর	এ	
১৫০২	রঘুবংশ বহার	এ	
১৫০৩	গৌল ঈ	এ	
১৫০৪	হরশ্যামলাল	এ	
১৫০৫	রোশনআলি	এ	
১৫০৬	গোলাম রক্ষানী	কিশনগঞ্জ	
১৫০৭	রামমোহন বন্দ্যো	পূর্ণীয়া	
১৫০৮	সেখ বাদল	এ	
১৫০৯	সেখ আলিবক্স	এ	
১৫১০	চন্দ্রকান্ত	কিশনগঞ্জ	
১৫১১	আমজ সওদাগর	কলিকাতা	
১৫১২	বুদীয়াদ সিংহ	পূর্ণীয়া	
১৫১৩	গোপাললাল	এ	
১৫১৪	ভরধরাম ভেওয়ারি	এ	
১৫১৫	ত্রিপুলাল	এ	

চিঠীর সংখ্যা	চিঠীর মালিকানের নাম	মালিকানের ঠিকানা	টিকিটের
১৫১৬	আমিরুদ্দীন	পূর্ণীয়া	
১৫১৭	হরগোবিন্দ	এ	
১৫১৮	তাকিক দাস	এ	
১৫১৯	পঞ্চানন চক্রবর্তী	এ	
১৫২০	সেখ জতর মোক্তার	এ	
১৫২১	জিয়ালাল	এ	
১৫২২	কৈয়ুম	দুলালগঞ্জ	
১৫২৩	রামচাঁদ মুখোপাধ্যায়	পূর্ণীয়া	
১৫২৪	জতর মোক্তার	এ	
১৫২৫	হোসেন জমাদ্দার	এ	
১৫২৬	বদনচন্দ্র নন্দি	এ	
১৫২৭	মিতরজিত সিংহ	এ	
১৫২৮	পানাইয়া	এ	
১৫২৯	মদনমোহনলাল	এ	
১৫৩০	ককু সেখ	এ	
১৫৩১	পনহান সওদাগর	এ	
১৫৩২	সত্যোব সিংহ	ত্রিহট	
১৫৩৩	লাল মোহনলাল	পূর্ণীয়া	
১৫৩৪	সুদীন সিংহ	এ	
১৫৩৫	রঘু শা	এ	
১৫৩৬	আরফুলেন	এ	
১৫৩৭	সমসের	কশিনগঞ্জ	
১৫৩৮	সেরআলি	পূর্ণীয়া	
১৫৩৯	রমজান খাঁ	এ	
১৫৪০	ঠাকুরপ্রসাদ	এ	
১৫৪১	ধুরসেদআলি	এ	
১৫৪২	শালাগগিরাম	এ	
১৫৪৩	সেলামআলি	এ	
১৫৪৪	কেমানন্দ	এ	
১৫৪৫	ভূমী বিবি	এ	
১৫৪৬	গোলাম মহম্মদ	এ	
১৫৪৭	একনাথ পাঠক	এ	
১৫৪৮	লেখজিৎনবি	এ	
১৫৪৯	মুজা আহম্মদ	এ	
১৫৫০	ঠাকুরপ্রসাদ	এ	
১৫৫১	বিষ্ণুগোবিন্দ সিংহ	এ	
১৫৫২	কাশীনাথ	এ	
১৫৫৩	নিত্যানন্দ দাস	এ	
১৫৫৪	ভোলাচাঁদ	এ	
১৫৫৫	রামজীবন	রাউগঞ্জ	
১৫৫৬	কমলমণী বেওয়া	পূর্ণীয়া	
১৫৫৭	মধু জমাদ্দার	এ	
১৫৫৮	সেখ ভিনু	মুরসিদাবাদ	
১৫৫৯	ভিলকথারিরাম	পূর্ণীয়া	

চিঠির সংখ্যা	চিঠির মালিকানের নাম	মালিকানের ঠিকানা	টিকিয়ে
১৫৬০	ভোমন ঐ	পূর্ণীয়া	
১৫৬১	মনশ্যাম সিংহ	নাথপুৰ	
১৫৬২	হরমোহন	পূর্ণীয়া	
১৫৬৩	মিয়া মদুলা	ঐ	
১৫৬৪	রামপ্রসাদ সিংহ	ঐ	
১৫৬৫	হরচন্দ্র চট্টোপাধ্যায়	ঐ	
১৫৬৬	সের সেরআলি	ঐ	
১৫৬৭	কাহ্নমআলি	ঐ	
১৫৬৮	কুন্তলাল	নাথপুৰ	
১৫৬৯	নেজামআলি	পূর্ণীয়া	
১৫৭০	আজিরন	ঐ	
১৫৭১	মহম্মদবক্ক	ঐ	
১৫৭২	মহবুবন	ঐ	
১৫৭৩	ভোপ সিং	ঐ	
১৫৭৪	কানাইয়া	নাথপুৰ	
১৫৭৫	চুনী ভকত	পূর্ণীয়া	
১৫৭৬	আহম্মদবক্ক	ঐ	
১৫৭৭	চমররাম	ঐ	
১৫৭৮	রোহুদআলি	ঐ	
১৫৭৯	মহম্মদবক্ক	কীশনগঞ্জ	
১৫৮০	মহম্মদ হোসেন	পূর্ণীয়া	
১৫৮১	মৌলবী রকুবুদ্দীন	ঐ	
১৫৮২	রহমআলি ঐ	ঐ	
১৫৮৩	বিজয়গোবিন্দ সিংহ	ঐ	
১৮৫১ সালের জানুয়ারি মাহার চিঠি			
১৫৮৪	গোবিন্দচন্দ্র মুখোপাধ্যায়	পূর্ণীয়া	
১৫৮৫	হারাদন বসু	ঐ	
১৫৮৬	রাসবেহারি লাল	ঐ	
১৫৮৭	সেনামআলি	ঐ	
১৫৮৮	করম সিংহ	কাড়াগোলা	
১৫৮৯	মেহেরচাঁদ	নাথপুৰ	
১৫৯০	সেখ দাউদ	পূর্ণীয়া	
১৫৯১	মৌলবী মহম্মদ	কীশনগঞ্জ	
১৫৯২	সেখ শুকন	ঐ	
১৫৯৩	নোকনাথ ভেওয়ারি	পূর্ণীয়া	

(To be Continued.)

[ইহার অবশিষ্ট আগামীতে প্রকাশ হইবেক।]

CALCUTTA,  
General Post Office,  
22nd September, 1851.

J. R. BURLTON BENNETT,  
Deputy Post Master General, in Charge.





# The Calcutta Gazette.

Published by Authority.

It is requested that Government Notifications for the Calcutta Gazette, of any length, may be sent to the Press by NOON of TUESDAYS and FRIDAYS: and of a few lines only, before 5 p. m. of those days.

WEDNESDAY, MARCH 3, 1852.

No. 170.

Fort William, Home Department, Legislative,  
The 24th February, 1852.

Act X. of 1852, is republished with a clerical error corrected, Act XX. of 1840 having been mentioned in Section I. thereof, instead of Act XXIV. of 1840.

FRED. JAS. HALLIDAY,  
Secy. to the Govt. of India.

ACT No. X. OF 1852.

For Constituting Commissioners for the Improvement of the Town of Calcutta.

Whereas Act XVI. of 1847 for constituting Commissioners for the Improvement of the Town of Calcutta, has been found inconvenient and ineffectual for the intended purposes thereof, It is enacted as follows:

I. Act XVI. of 1847 is repealed, except as to anything done, or forborne to be done, under the said Act before the passing of this Act, but not so as to revive Act XXIV. of 1840. Provided always, that the taxes leviable under Act XVI. of 1847, on the owners or users of Carriages, Carts, and Horses, may still be assessed and imposed on such owners or users for the last Quarter or part of a Quarter previous to the passing of this Act; and all taxes and arrears of taxes, assessed and imposed on the owners or users of Carriages, Carts, and Horses under Act XVI. of 1847, and not collected at the time this Act comes into operation, may be levied and recovered as if the said Act XVI. of 1847 were not repealed.

II. The scheme of election agreed upon by the owners and occupiers of assessed houses, buildings, and lands in each division of the Town, and the rules made by the Commissioners, severally approved by the Deputy Governor of the Presidency of Fort William in Bengal and President of the Council of India in Council, in pursuance of the said Act, are rescinded and annulled. Provided always, that all taxes and arrears of taxes assessed and imposed on the owners or users of Carriages, Carts, and Horses under Act XVI. of 1847 and Section I. of this Act, and not collected at the time this Act comes into operation, may be levied and recovered as if the said Rules were not repealed.

III. For the purposes of this Act the Town of Calcutta shall be divided into two divisions, that is to say, a Northern and Southern Division, by a line passing from the river Hooghly at the old Fort Ghaut along the centre of Fairlie Place, Clive Street, the street on the Northern side of Tank Square, Loll Bazaar, Bow Bazaar, and Boitacannah; or such other two divisions as the Governor of the Presidency of Fort William in Bengal, from time to time, may appoint: and, whenever any such new division shall be made, the provisions of this Act, with respect to the divisions herein defined, shall be deemed to apply thenceforth to such new divisions.

IV. There shall be four Commissioners for executing the powers of this Act, who shall be styled the Commissioners for the Improvement of the Town of Calcutta, of whom two shall be appointed by the Governor of the Presidency of Fort William in Bengal; and two shall be elected as hereinafter provided, that is to say, one for each division of the said Town.

V. The Commissioners shall enter upon their office on the First day of January in each year, and shall hold their office regularly for one year, or until their successors are duly constituted; and until the first constitution of Commissioners under this Act, the Commissioners now acting in the execution of the said Act XVI. of 1847, shall exercise the powers of this Act, and shall be deemed Commissioners under this Act.

VI. Every person is entitled to one vote in the election of a Commissioner under this Act who is the owner of a house, building, or ground in either division of the said Town, and is assessed at not less than ten rupees' tax in the whole for a quarter of a year, in respect of such house, building, or ground, and who, on or before the 20th day of November in each year, has paid all such taxes due from him up to the last day of July, in the same year.

VII. Every person is entitled to one vote in the election of a Commissioner under this Act who is the occupier of any house, building, or ground in either division of the said Town, and who pays a monthly rent of not less than rupees seventy in respect of such house, building, or ground.

VIII. Each voter is entitled to vote in that division only in which he is assessed to the amount which constitutes his qualification: but

any person who is assessed or pays rent to the qualifying amount in each division, may be entitled to vote in both. No person shall be entitled to two votes in any one division by reason of his being both an owner and occupier to the qualifying amounts respectively in such division.

IX. All elections under this Act shall be under the management of the Sheriff of Calcutta, who shall appoint a sufficient number of Deputies to help him in presiding thereat: and every Deputy, while so acting for the Sheriff, shall have the same powers and duties as the Sheriff with respect to the division for which he is acting.

X. The elective Commissioners shall be chosen yearly, on a day between the First and Twentieth days of December, to be appointed in each year by the Sheriff of Calcutta, of which day, and also of the place of election, the Sheriff shall give notice, by advertisement in the *Calcutta Gazette*, Fifteen days at least before the day of election.

XI. The place of election for each division of the Town shall be the Town Hall of Calcutta, or such other place as the Sheriff, with the sanction of the Governor of the Presidency of Fort William in Bengal, shall, from time to time, appoint.

XII. The voting shall begin at eight of the clock in the morning, and end at five of the clock in the afternoon of the appointed day.

XIII. Every person qualified to vote in the election, and none other, is qualified to be a candidate for election as a Commissioner.

XIV. Every candidate shall, ten days at least before the day of election, give notice thereof in writing to the Sheriff, naming the division for which he is a candidate, and shall at the same time produce to, and leave with, the Sheriff a certificate from the Secretary to the Commissioners that he is qualified to be a candidate, which certificate the Secretary shall be bound to give without fee or charge, on personal application, to any person duly qualified.

XV. All expenses of the election of Commissioners, including the expense of advertising the time and place of election, shall be defrayed by the candidates; and every candidate shall, at the time when he produces to the Sheriff his certificate of qualification, deposit with the Sheriff the sum of two hundred rupees toward the expenses of the election, and in default thereof shall not be qualified to be elected.

XVI. If the whole amount so deposited shall not be spent by the Sheriff in such election, the residue shall be returned to the candidates in equal proportions; and if the whole amount so deposited is not enough to defray the expense of such election, the Sheriff shall be entitled to receive from each candidate his proportionate share of the surplus expense, and in default of payment may sue for and recover the same, as money spent on behalf of such candidate.

XVII. The Commissioner shall cause to be prepared, in each year, correct alphabetical lists of the owners qualified to vote in each division of the Town, and also an alphabetical list of the occupiers qualified to vote in each of the said divisions, who shall, on or before the First day of November in each year, apply to the Commissioners to have their names entered in such lists, and the said lists shall be open for inspection at the office of the said Commissioners, on or before the First day of December in each year, during all reasonable hours of the day, until the day of election, when the said lists, or copies thereof,

shall be taken to the place of election for the use of the Sheriff and his Deputies.

XVIII. The Secretary to the Commissioners, on the written application of any person qualified to vote as aforesaid, signed by himself, specifying the division, street and number, or other description of every house, or building, or the land in respect of which the claim is made, and delivered to the Secretary on some day between the 1st and 30th day of November, both inclusive,—with, where the applicant is an owner, the receipted assessment bills, shewing that the applicant has paid the taxes required by this Act to qualify him to vote, or with, where the applicant is an occupier, the receipted rent bills, shewing that such occupier has paid the rent required by this Act to qualify him to vote,—shall give to such person a voting ticket, according to his qualification. The voting tickets shall be numbered and signed by the Secretary to the Commissioners, and shall be in one of the forms contained in the first Schedule annexed to this Act, or in such other form as shall be, from time to time, adopted by the Commissioners, with the approval of the Governor of the Presidency of Fort William in Bengal; the Secretary to the Commissioners shall keep a Register of such voting tickets, which shall specify the number of each voting ticket, the name of the voter, and the premises in respect of which such voting ticket is given, and the said Secretary, on the day of election, shall take the said Register to the place of election, for the use of the Sheriff and his Deputies.

XIX. The voting ticket shall be conclusive evidence that the person named therein is entitled to vote at the next election of a Commissioner in the division for which the ticket is given, according to the tenor thereof.

XX. At the time and place appointed for the election, the Sheriff or his Deputies shall attend with two closed boxes, with openings in each box or the reception of voting tickets, and distinguished from each other, by having marked or painted legibly, in English and Bengallee characters, the word "Northern" on one box, and the word "Southern" on the other.

XXI. Every voter, having obtained his voting ticket in each division in which he is qualified to vote, and having written thereon the name of the candidate for whom he wishes to vote, and having signed the same, shall personally attend at the place of election, and shall deliver his voting ticket to the Sheriff, or one of his Deputies presiding at the election for that division, who, on being satisfied of the identity of the person tendering the voting ticket with the person whose signature it bears, shall deposit such voting ticket in the box of the division.

XXII. The Secretary, Assessors, Collectors, and Collecting Sircars of the Commissioners, and, if required by any candidate, an agent appointed by writing under his hand on his behalf, shall attend at the place of election during the continuance thereof, for the purpose of assisting in identifying the persons who shall tender voting tickets.

XXIII. The decision of the Sheriff, or his Deputy, admitting or rejecting any disputed vote tendered at any election, shall be conclusive as to the reception of the vote.

XXIV. At the close of the poll for any division, the Sheriff or his Deputies, in the presence of the candidates, or such of them as choose to be present, or of scrutineers appointed in writing

under their several hands, shall ascertain the number of votes given for each candidate in each division; and the Sheriff shall thereupon publicly declare the name of the candidate in each division for whom the greatest number of votes has been given in such division, and shall declare such candidate to be duly elected a Commissioner for the Improvement of the Town of Calcutta.

XXV. If two or more candidates at the head of the poll in any one division of the Town shall have the same number of votes, the Governor of the Presidency of Fort William in Bengal shall appoint one of the candidates, having such equal number of votes, to be one of the elected Commissioners for the Improvement of the Town of Calcutta.

XXVI. The result of every election shall be certified by the Sheriff to the Governor of the Presidency of Fort William in Bengal, who will cause notice thereof to be given in the *Calcutta Gazette*.

XXVII. If any vacancy, from any cause whatever, happens before the month of December in any year among the Commissioners, the Governor of the Presidency of Fort William in Bengal shall appoint a person qualified to be elected to fill such vacancy, and the Commissioner appointed to fill such vacancy shall be a Commissioner as if he had been elected at the then last general election of Commissioners.

XXVIII. The 158th Section of the Act of Parliament passed in the 33rd year of the reign of King George the Third, and numbered Chapter 52, is hereby repealed, and the powers and duties which by the said Act were conferred and imposed on the Justices of the Peace within or for the Presidency of Fort William in Bengal, in regard to the collection, levying, and disbursement of the taxes thereby authorized to be assessed by them on the owners or occupiers of houses, buildings, and grounds, shall be exercised and performed by the said Commissioners, instead of the said Justices of the Peace; and the powers and duties by Act XXII. of 1847, or any other Act, conferred on or belonging to the Commissioners constituted under the said Act XVI. of 1847, and their Officers, shall be transferred to, and belong to the Commissioners constituted under this Act and their Officers respectively.

XXIX. The Justices of the Peace within and for the said Town of Calcutta shall make a quarterly assessment at the rate of six and one quarter per cent., or one anna in the Rupee, on the owners of houses, buildings, and grounds within the said Town, according to the gross monthly rental thereof, or on the gross monthly rental at which the same might, in the estimation of the said Justices, reasonably be expected to let.

XXX. Of the two Commissioners yearly appointed by the Governor of the Presidency of Fort William in Bengal, one shall be President of the Commissioners. In the absence of the President, such other Commissioner shall act as Chairman of the meetings of the Commissioners as shall be chosen by those present. On all questions on which the Commissioners present are equally divided in opinion, the President shall have a second or casting vote. No meeting of the Commissioners shall be held without twenty-four hours' notice being given to all the Commissioners, and two Commissioners shall be necessary to constitute a meeting.

XXXI. The Commissioners shall severally receive such monthly salaries, not exceeding two hundred and fifty rupees each, to be paid out of

the taxes levied under the said Act of Parliament and Act XVI. of 1847, and this Act, as the Governor of the Presidency of Fort William in Bengal, with the approval of the Governor General of India in Council, shall from time to time appoint.

XXXII. The Commissioners shall appoint a Secretary, subject to the approval of the Governor of the Presidency of Fort William in Bengal, and shall also appoint a sufficient number of Assessors, Collectors, Surveyors, Inspectors, Appraisers, Bailiffs, and such other Officers as they may deem necessary for assessing, collecting, or levying the taxes imposed on the owners or occupiers of houses, buildings, and grounds under the authority of the said Act of Parliament, and of this Act, and also the taxes and penalties herein mentioned, and may appoint the same persons to act both as Assessors and Collectors, and may prescribe such rules, and take such security for the due execution of the duties of such Secretary and Officers as they may deem expedient; and the Secretary and Officers of the Commissioners shall receive such salaries, to be paid out of the said taxes, as the Commissioners from time to time may appoint, subject to the approval of the said Governor. The Secretary and every other Officer shall be removable at the pleasure of the Commissioners, subject, in the case of the Secretary, to the approval of the said Governor.

XXXIII. All rates and taxes assessed on the owners of houses, buildings, and grounds, and penalties imposed under the authority or color of the said Act of Parliament, and Act XVI. of 1847, before this Act comes into operation, may be demanded, and if not duly paid, may be levied and recovered by the Commissioners acting under the authority of this Act, in the same manner, and by the same forms, or by forms to the like effect, as if they had been imposed under the authority of this Act.

XXXIV. The owners of houses, buildings, and grounds, within the said Town, shall pay such sums of money as shall be assessed upon them by the said Justices according to the said rate of six and a quarter per cent., or one anna in the rupee.

XXXV. Where there is land wholly or partly covered with houses or buildings, which do not belong, or which belong only in remainder or reversion, to the owner of the land, and rent is covenanted to be paid to the owner of the land, wholly or partly irrespective of the value of the said houses or buildings, the said Justices may assess the owner of the land separately, in respect of the land, and the owners of the houses and buildings, according to their value, after deduction of the value of the land, in respect whereof the owner thereof is separately assessed.

XXXVI. The said Justices, in their discretion, may omit from their valuation and assessment any tenement of very small value, unless where there are many such belonging to the same owner, which can be conveniently valued and assessed together.

XXXVII. Where any house, building, or ground, within the said Town, has been vacant for sixty consecutive days in any quarter of a year, the rates for that quarter shall be remitted, provided that the owner of such house, building, or land, shall have given notice in writing of the vacancy thereof, to the Secretary of the Commissioners, within seven days next after the day on which it becomes vacant;



and if such notice of vacancy be not given within the said seven days, the said rates shall be remitted from the day on which the notice may be delivered to the Secretary.

XXXVIII. The first assessment to be made under this Act shall be made on or after the Twelfth day of February 1852, for the months of February, March, and April 1852, and when made, shall be taken to supersede and annul any previous assessment made by the Justices for the same period or any portion thereof; and every following assessment shall in like manner be made prospectively at the commencement of the quarter of a year in which it is made.

XXXIX. The assessment of the taxes specified in this Act shall be made by the said Justices or any of them, but shall in every case require to be confirmed at a subsequent meeting of the said Justices, and the said Justices shall cause such assessment, when made and confirmed, to be entered in books to be kept in their office, and the entries for such assessments in the said books, authenticated by the signatures of the Justices, or any two of them, shall be conclusive evidence of the several assessments therein specified.

XL. The Justices shall give at least fourteen days' notice, by advertisement in the *Calcutta Gazette*, of the day and hour when they will meet in their Office, for the purpose of revising and confirming the said assessment; and every person who deems himself aggrieved in any respect by the said assessment, and is desirous of appealing against the same, must attend such meeting; and the Justices may adjourn such meeting, if necessary, from day to day; and, after hearing and determining all objections to the assessment, may make such amendments therein as to them may appear just, and finally confirm the same as so amended.

XLI. The books containing the proposed assessment shall be in the Office of the Justices during the said period of fourteen days, or more, open at all reasonable times to the inspection of all persons assessed therein.

XLII. The taxes specified in this Act shall be due and payable from and after the end of the quarter of a year, or other period for which they are imposed.

XLIII. When the taxes specified in this Act shall be due and payable, or as soon after as convenient, the said Commissioners shall send, or cause to be sent, to the persons severally liable to pay any of such taxes, a statement or bill in the form (A.) contained in the second Schedule annexed to this Act, or to the like effect, of the sums due from such persons respectively in respect of the said taxes.

XLIV. When any person shall be in arrear of the payment of the said taxes specified in this Act, the said Commissioners, or any one of them, or their Officer duly authorized by them, may issue or cause to be issued and served upon such person, a Notice of Demand in the form (B.) contained in the second Schedule annexed to this Act, or to the like effect: and if he shall not, within five days from the service of such Notice of Demand, pay the arrear due from him, according to the tenor of such Notice of Demand, the said Commissioners, or any one of them, or their Officer duly authorized by them, may issue and serve, or cause to be issued and served upon such person a summons to pay in the form (C.) contained in the second Schedule annexed to this Act, or to the like effect, requiring such person

to appear before the said Commissioners, or any one or more of them, on a day and at an hour and place to be named in such summons.

XLV. On the appearance of the party summoned, the said Commissioners, or any one or more of them, may make such further inquiry into the case as to them or him seems just, and may make such order for the payment of the whole or any part of the demand as to them or him seems just; and in case of the non-appearance of the party summoned, the said Commissioners, or any one or more of them, on proof of service of the said summons, and on making such further inquiry into the case as to them or him seems just, may decide the claim, in like manner as if the said party were present, and may make such order for the payment of the demand, together with such costs as to them or him may seem reasonable.

XLVI. In order that the Justices and Commissioners may be better informed of the value of any house, building, or ground, or in any other matter relating to their duty under this Act, and the execution thereof, the Justices, or Commissioners, or any one of them, or their Officer duly authorized by them, may issue a summons, in the form (D.) contained in the second Schedule annexed to this Act, to any person whom they are desirous of examining for that purpose; and any one or more of the said Justices or Commissioners may examine such person so summoned concerning the value of such house, building, or ground, or other matter relating to the assessment; and such examination shall be taken down in writing, in such manner as the Justices or Commissioners may order: and in case the answers of such person so examined shall appear to the said Justices or Commissioners to be evasive or untrue; or in case the party summoned shall refuse to answer any lawful question of the said Justices or Commissioners, or any one of them, or shall be proved to have refused to receive, or to have wilfully destroyed, defaced, or unlawfully detained any Bill, Summons, or Notice of Demand served upon him, with intent to evade being lawfully rated to the full amount of any of the said taxes due from him, or with intent to avoid or delay payment thereof; or shall be proved knowingly, or through gross negligence, to have given any false information, either verbally or in writing, to the said Justices or Commissioners, or any of them, or any of their Assessors or Officers, whereby they or any Assessor or person employed by them shall be misled in making any assessment; or in case the party summoned shall refuse, or without lawful excuse neglect to appear before the said Justices or Commissioners, in pursuance of such summons; such person shall, for any of the abovementioned offences, be liable to such penalty, not exceeding one hundred rupees, as shall be set on him by the said Justices or Commissioners, or any one of them, and such penalty shall be recovered under a warrant to be issued for that purpose by the said Justices or Commissioners, or any one of them, by distress and sale of any goods and chattels within the Town belonging to the person liable to pay or make good the said penalty; and every such warrant of distress may be in the form (G.) contained in the second Schedule annexed to this Act, or to the like effect.

XLVII. All arrears of taxes and penalties due under the said Statute 83 George III., Act XVI. of 1847, and this Act, and the costs and charges of recovering the same, may be recovered at any

time after the day on which the person liable to pay such arrears has been summoned to appear before the Commissioners, or any one or more of them, as provided by Section XLIV. of this Act, under a warrant to be issued for that purpose, under the hand and seal of one of the said Commissioners, by distress and sale of any goods and chattels within the Town of Calcutta, belonging to the person liable to make good or pay the same, or being at any time within the house or building, or upon the ground in respect of which any such assessment is made; and every such Warrant of Distress may be in the form (E.) contained in the second Schedule annexed to this Act, or to the like effect.

XLVIII. The bailiff shall make an inventory of all goods and chattels seized under any warrant, and shall give a notice in writing in the form (F.) contained in the second Schedule annexed to this Act, or to the like effect, to the person in possession thereof at the time of seizure, that the said goods and chattels will be appraised and sold in manner therein mentioned.

XLIX. If the warrant is not in the mean time discharged or suspended by one or more of the said Commissioners, the goods and chattels seized shall be appraised and sold, and the proceeds thereof shall be applied in discharge of the arrears, or penalty, and costs; and the surplus, if any, shall be returned, on demand, to the person in possession of the goods and chattels at the time of the seizure; and the fees upon every such proceeding shall be such as are mentioned and set forth in the third Schedule annexed to this Act.

L. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of the rates, taxes, or penalties under the said Statute 33 Geo. III., Act XVI. of 1847, or this Act, the Commissioners, or any one or more of them, if they think fit, may authorize any Collector or other person to sue the person liable to pay such rates, taxes, or penalties, for any arrears of such rates, taxes or penalties, in the Calcutta Court of Small Causes; and all such suits may be prosecuted by such Collector or other person in the name of the Commissioners; and the costs, if any, incurred in any such suit, which are not recovered in the suit, may be defrayed out of the taxes levied under this Act.

LI. When any Bill, Notice of Demand, Summons, or other proceeding of any kind whatsoever with respect to any taxes under the said Statute, Act XVI. of 1847, or this Act, is to be issued to the owner of any premises, if his name be not certainly known, it shall be sufficient to address such proceeding to him by the description of the "Owner" of the premises (naming or describing them) in respect of which such proceeding is issued, without further name or description of such owner, and such proceeding may be duly served as hereinafter mentioned; and every Bill, Notice, Summons, or Notice of Demand, may be served personally upon the person to whom the same is addressed, or left with his door-keeper, or some inmate of his place of abode; and when any person shall, by keeping his place of abode or business closed, or by absconding, or by violence or threats, prevent any Officer or Servant of the said Commissioners from serving any Bill, Notice, Summons, or Notice of Demand, as herein directed, such Bill, Notice, Schedule, Summons, or Notice of Demand, shall be duly served, by fixing the same conspicuously on some part of the outer wall, gate, or door of the house or place of business, or of the enclosure in which it stands; in case the place of

abode of the owner be not within the limits of the said Town, it shall be sufficient for the Commissioners to transmit any Bill, Notice, Summons, or Notice of Demand, directed to him by name, through the Post, or to serve the same upon the occupier of the premises assessed, or upon the agent (if any) of such owner.

LII. No distress levied under the authority of this Act shall be unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the Notice, Bill, Summons, Notice of Demand, Warrant of Distress, Inventory, or other proceeding relating thereto, nor shall he be a trespasser from the beginning on account of any irregularity afterwards committed by him.

LIII. The said Commissioners shall, from time to time, subject to the approval of the Governor of the Presidency of Fort William in Bengal, make Rules for regulating their proceedings under this Act, and for the regulation of the time and manner of demanding and collecting the taxes specified in this Act, and for altering any of the forms set forth in the Schedules hereunto annexed, and the said Justices shall, from time to time, subject to the like approval, make Rules for regulating their proceedings under this Act, and for the regulation of the time and manner of assessing the rates specified in this Act.

LIV. The goods and chattels of the owner of any house, building, or ground rated under the said Statute 33 George III., Chapter LII. Section CLVIII., Act XVI. of 1847, or this Act, shall be liable to be distrained anywhere (except goods and chattels concealed as hereinafter mentioned), for deficiency in the payment of rates; and it shall not be necessary in any assessment, rate or tax, or Warrant of Distress under the said Statute, Act XVI. of 1847, or this Act, to specify the names of the owners of houses, buildings, or grounds; but it shall be sufficient if the house, building, or ground, in respect of which the tax is assessed, be identified, and in the case of houses numbered in any street, that the name of the street and the number of the house be specified.

LV. All goods and chattels, which shall be found upon any premises rated, shall be liable to be distrained for any arrears of rates or taxes assessed in respect thereof; and if the said goods and chattels belong to the occupier of such premises, such occupier may deduct the amount of the levy made upon his goods and chattels, or of any payment made by him in order to prevent such levy, from the following payments of his rent. If they belong to any person other than the occupier of the premises, or if no further rent is payable by such occupier, he may in such case recover the amount so paid or levied, by suit in the Calcutta Court of Small Causes, from the owner of the premises, as for money paid on his behalf.

LVI. Every person shall be entitled to have from the Secretary to the Commissioners, on application at their Office, and on payment of a fee of four annas, a certificate, specifying the last quarter in respect of which the taxes on account of any house, building, or ground are paid.

LVII. When there is reason to believe that goods and chattels, liable to distress under the said Statute, Act XVI. of 1847, or this Act, are concealed in any zenana, the Officer charged with the execution of the warrant shall make a special report to the Commissioner granting the same, who shall thereupon follow, as closely as may be, the

rules for the seizure of goods and chattels in like cases adopted by Her Majesty's Supreme Court of Judicature.

LVIII. Every person who wilfully obstructs or molests the said Commissioners, or any one of them, or their Secretary, or any of their Officers or Servants in the performance of their respective duties under the said Act of Parliament, Act XVI of 1847, or this Act, shall be liable, on summary conviction before a Justice of the Peace, on his own confession, or the oath of one or more witnesses, to forfeit and pay a penalty not exceeding fifty rupees.

LIX. The Commissioners or any one of them may sue and be sued at Law and Equity in the name of their Secretary for the time being, and no action or suit to be brought or commenced by or against such Secretary, in manner aforesaid, shall abate or be discontinued by the death, resignation or removal of such Secretary; and no execution shall issue or be had in any such action or suit against such Secretary until six months' notice shall have elapsed after final judgment in such action or suit shall have been obtained, and every such Secretary, in whose name or by or against whom any such action or suit shall be brought, commenced, or sued, shall be fully reimbursed and paid all such costs, charges, damages and expenses as by the event or in consequence of any action, suit, or proceeding he shall pay, sustain, or be put unto or become chargeable with or liable to by reason of his being plaintiff or defendant as aforesaid, or of his name being used as aforesaid, by and out of the funds under the control of the Commissioners: and if any person against whom the Commissioners shall have any claim or demand, take the benefit of, or become subject as an insolvent to the operation of any Act for the Relief of Insolvent Debtors, the Secretary of the Commissioners in all proceedings in the insolvency may represent the Commissioners, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such Secretary, and not of the Commissioners.

LX. The Secretary of the Commissioners being the plaintiff, prosecutor, or defendant, or otherwise acting in any action, suit, or proceeding as aforesaid, shall be competent to be a witness therein, in the same manner as he might have been if his name had not been made use of as the plaintiff, defendant, or otherwise in any such action, suit, or proceeding.

LXI. No writ or process shall be issued out against or served upon any Commissioner, or any Secretary, Surveyor, or other Officer, or person whomsoever acting under the direction of the Commissioners, for anything done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at his Office or place of abode, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and upon the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant; and every such action shall be brought or commenced within three calendar months next after the accrual of the cause of action, and not afterwards; and if any party shall have committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act, or by virtue

of any power or authority hereby given, and if before action brought in respect thereof, such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

LXII. No matter or thing done, or contract entered into by the Commissioners, or any one of them, or by any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners, shall, if the matter or thing were done, or the contract were entered into *bona fide*, for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such Commissioner, Secretary, Surveyor, or other Officer or person acting as last aforesaid, shall be borne and repaid out of the funds under the control of the Commissioners.

LXIII. In any such action as aforesaid the defendant may plead the general issue, or give this Act, and any special matter in defence on the trial.

LXIV. If in any such action judgment be given for the defendant, or if the plaintiff be nonsuited or discontinue the said action, the defendant shall be entitled to his costs as between attorney and client, and shall have such remedy for recovery thereof as any defendant has for his costs in any other case by law.

LXV. The whole proceeds of the said taxes, after paying all salaries, establishments, and incidental expenses of the said Commissioners, shall, with such moneys as the Governor of the Presidency of Fort William in Bengal, with the sanction of the Governor General of India in Council, may direct to be paid to the said Commissioners, be applied by them to the following purposes, that is to say,—

- 1stly,—Cleansing, repairing, lighting and watering the roads and streets.
- 2ndly,—Constructing new drains and sewers, and cleansing and repairing or filling up and abolishing old drains and sewers.
- 3rdly,—Filling up stagnant pools of water, holes in the earth, and all receptacles for filth and rubbish, and removing obstructions in or on the roads and to the free circulation of air.
- 4thly,—Formation of tanks and aqueducts for the conveyance of water to all parts of the Town.
- 5thly,—Opening of streets and squares in crowded parts of the Town.
- 6thly,—Improving and embellishing the said Town generally.

LXVI. In construing this Act all words used in the singular number shall be held to include several persons and things, and words in the plural shall be held to include the singular number, and all words importing the masculine gender shall extend and be applied to females as well as males, unless there is something in the context inconsistent with such construction.



**FIRST SCHEDULE.**

Form 1.

Form of Voting Ticket.

No.

Division.	Name of Rate-payer.	Aggregate value of Houses, Buildings, or Grounds for which he is assessed.	Total Assessment.

Entitled to vote.

Secretary.

Reverse.

I, the undersigned, being the rate-payer within described, do hereby give my vote for as Commissioner for the ( ) Division.

Calcutta, }  
The 18 . }

Signature.

Form 2.

No.

Division.	Street.	No. of House.	Name of Occupier.

Entitled to vote.

Secretary.

Reverse.

I, the undersigned, being the occupier within described, do hereby give my vote for as Commissioner for the ( ) Division.

Calcutta, }  
The 18 . }

Signature.

**SECOND SCHEDULE.**

(A.)

House Tax Bill.

Division No.	Premises No. _____
Street No.	To Assessment on the above-mentioned Premises for _____ Quarter.
	Rated at Rupees " " per Month.
	Quarterly Assessment, Rs. " " Received Payment.
Recd.	Calcutta, 18 _____ Collector.

(B)

Notice of Demand.

Number Take Notice that I, on behalf of the  
Division Collector of Assessments, have demanded  
Street and demand from you the arrears of  
House Taxes assessed upon you as owner of  
the premises mentioned in the margin,  
for the ( ) quarter, viz., the months  
of 18 under the provisions of  
Act X. of 1852, amounting to Rupees  
, and that if the same be not  
paid into the Collector's Office within  
five days after this demand, you will  
be reported to the Commissioners, and  
will be liable to the expenses of any  
further proceedings.

For the Collector.

Collecting Sircar.

Calcutta, }  
This day of }  
18 . }

(C)

Summons to Pay.

No.

To

You are hereby summoned to appear personally before the Commissioners for the Improvement of the Town of Calcutta, or such one or more of them as shall be at their office at o'clock on the day of 18, to answer to a complaint made against you by the Collector of Assessments for non-payment of the Taxes imposed on you as owner of the premises mentioned in the margin, under the Provisions of Act X. of 1852, for the ( ) quarter, that is to say,—the months of ( ) amounting to Rupees .

Commissioners' Office.

No.

Given under my hand }  
this day of }  
18 . }

A. B.

(D)

Summons to give Evidence.

To

Under the authority of Act X. of 1852, you are hereby summoned to appear personally before the Commissioners for the Improvement of the Town of Calcutta, or such one, or more of them as shall be at their office at o'clock on the day of 18

(Here set out the cause of Summons.)

Commissioners' Office.

Given under my hand }  
this day of 18 . }

A. B.

( E )

*Distress Warrant.*

Town of } To  
Calcutta. } One of the Bailiffs for the Commissioners for the Improvement of the Town of Calcutta.

Number Whereas of in the  
No. of said Town is this day duly convicted  
Division before of the Commissioners  
Street for the Improvement of the Town of  
House Calcutta, for that the said

doth refuse or neglect to pay, and hath not yet paid, the taxes on houses, buildings, and lands mentioned in the margin, to which he is assessed under the Provisions of Act X. of 1852, for the ( ) Quarter, that is to say, for the months of ( )

amounting to the sum of Co.'s Rs. although the said sum has been demanded of him, and five days have lapsed since such demand; This is to command you to distrain the Goods and Chattels of the said

within the said Town, or any Goods and Chattels which you may find on the premises in respect of which the said taxes are due, to the amount of Co.'s Rs.

and such further sum as may be sufficient to defray the charges of making such distress; and if within five days next after such distress, the said sum of Co.'s Rs. shall not be

paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said Goods and Chattels; and having paid out of the money arising by such sale, the said sum of Co.'s Rs.

to the Collector of Assessment for the said Commissioners, and having deducted the necessary charges of taking, keeping, and selling the said distress, to return the overplus, if any, on demand, to the person whom you shall find in possession of the said Goods and Chattels.

Given under my  
hand and seal, this  
day of 18 . }

L. S.

One of the Commissioners  
for the Improvement of the  
Town of Calcutta.

( F )

*Inventory.*

Quarter An Inventory of the several Goods  
Number and Chattels distrained by me  
No. of Bailiff, No.

Division situated in  
Street for the sum of Company's Rupees  
House Annas Pies being

Arrears of Assessment due up to the day of last, for Taxes under the Provisions of Act X. of 1852 (or being the amount of a penalty imposed on by of the said Commissioners or Justices of the Peace as the case may be), with the costs and

charges for enforcing payment of the same.

To

Take Notice, that I have this day distrained the several Goods and Chattels specified in the Inventory for Taxes under the Provisions of Act X. of 1852 (or being the amount of the said penalty), and that unless you pay the said sum, with the charges of distraining, into the Office of the Collector of Assessment, within five days from the date hereof, the said Goods and Chattels will be sold according to law.

Arrears, Rs.

Costs, "

Co.'s Rs.

Witness my hand, this  
day of 18

Bailiff.

( G )

*Distress Warrant.*

Town of } To  
Calcutta. } One of the Bailiffs for the Commissioners for the Improvement of the Town of Calcutta.

Whereas A. B., of in the said Town is this day duly convicted before of the Commissioners

for the Improvement of the Town of Calcutta, (or Justice of the Peace, as the case may be,) of the offence of (here state the offence) against the form of the Act X. of 1852 in that case made and provided, and was thereupon adjudged by

that he the said A. B. had forfeited the sum of Rs. (here state the amount) for the offence ( )

aforesaid. And whereas the said A. B., being required to pay the said sum of Rs. (here state the amount aforesaid), hath not paid the same, but therein has made default. These are to command you to distrain the Goods and Chattels of the said A. B., which may be found within the said Town to the amount of the said sum, and such further sum as may be sufficient to defray the charges of making such distress; and if within five days next after such distress, the said sum of Rs. (here state the amount), together with the reasonable charges for taking and keeping the said distress shall not be paid, to sell the said Goods and Chattels, and having paid out of the moneys arising by such sale the said sum of Rs. (here state the amount) to the Collector of Assessments for the said Commissioners, and having deducted the necessary charges of taking, keeping and selling the said distress, to return the overplus (if any) on demand, to the person whom you shall find in possession of the said Goods and Chattels.

Given under  
hand and seal, this  
day of 18 . }

L. S.

of the Commissioners for the Improvement of the Town of Calcutta, (or Justice of the Peace, as the case may be.)

THIRD SCHEDULE.

Table of Fees to be taken for Proceedings under this Act.

		Rs. As.	
For every Summons to pay, .....		1	0
In Distraints.			
Sum Distrained for.		Fee.	
		Rs.	As.
Under 5 Rupees, .....		1	4
5 and under 10 Rupees, .....		2	0
10 " 15 " .....		2	8
15 " 20 " .....		3	8
20 " 25 " .....		4	4
25 " 30 " .....		5	0
30 " 35 " .....		5	8
35 " 40 " .....		6	8
40 " 45 " .....		7	12
45 " 50 " .....		8	8
50 " 60 " .....		10	0
60 " 80 " .....		11	8
80 " 100 " .....		13	0
Above 100 " .....		15	0

The above charge includes all expenses except when peons are kept in charge of property distrained, in which case 4 Annas must be paid daily for each man.

FRED. JAS. HALLIDAY,  
Secy. to the Govt. of India.

Fort William, Home Department, Legislative,  
The 20th February, 1852.

The following Act, passed by the Governor General of India in Council, on the 20th February 1852, is hereby promulgated for general information:

ACT No. XII. OF 1852.

An Act to repeal Act No. II. of 1848, and to confer certain powers on the Commissioners for the Improvement of the Town of Calcutta.

Whereas by Section LXV. of Act No. X. of 1852, it is, among other things, enacted that certain funds therein mentioned should be applied by the Commissioners for the Improvement of the Town of Calcutta in cleansing, improving and embellishing the said Town: And whereas it is expedient that the said Commissioners should be invested with further powers for the effectual accomplishment of the purposes aforesaid, It is hereby enacted as follows:

I. Act II. of 1848, and the Bye-Laws made in pursuance thereof, and the Regulation for the Good Order and Civil Government of the Settlement of Fort William in Bengal, passed in Council, on the 28th day of October 1814, are hereby repealed. Act X. of 1852, repealing Act XVI. of 1847, shall not be construed so as to revive Act XXIV. of 1840.

II. The said Commissioners may, subject to confirmation or disallowance by the Governor of Bengal, nominate, appoint and employ, respectively, such Surveyors, Inspectors and other necessary Officers and Servants as may be necessary or proper for the execution of the powers hereby vested in them; and such Surveyors, Inspectors, Officers and Servants shall receive such salaries as the Governor of Bengal shall seem meet.

III. The management and control over all the streets within the said Town of Calcutta, existing at the time of the passing of this Act, and of all parts of the said Town which shall hereafter become streets, and the pavements and other materials therein, and all erections and buildings, materials, implements or other things provided for the said streets by or under the authority of the Governor of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, and also the management and control of all public tanks, aqueducts and canals, and of all sewers and drains, whether public or private, now made or hereafter to be made within the said Town, are hereby vested in the said Commissioners for the purposes of this Act.

IV. The said Commissioners, by and with the consent of the Governor of Bengal, may lay out, make, build and construct streets, and may alter and widen narrow streets, and may turn, divert, discontinue or stop up streets, within the said Town, regard being had to the compensation of owners of lands which may be required to be vested in the said Commissioners for any such purposes, and of owners of lands which may be damaged or deteriorated in value by the turning, diverting, discontinuing, or stopping up of any such streets,—and, in case of dispute, the amount of such compensation shall be ascertained and paid in the manner and according to the provisions contained in Act XXII. of 1847, which is hereby declared to be applicable to all claims for compensation made in respect of any acts done by the said Commissioners under the authority of this Act. Provided always, that it shall not be lawful for the said Commissioners, or any other person, to make or lay out any new street, unless the same, being a carriage road, be at least 50 feet wide, exclusive of the drains at the sides thereof, or not being a carriage road, be at least 20 feet wide, exclusive of the drains at the sides thereof.

V. The said Commissioners, with the consent and approbation of the Governor of Bengal, shall pave, metal and water such of the public streets existing in the said Town at the time of the passing of this Act, or at any future time, as they shall think fit; and it shall be lawful for the said

Commissioners to excavate and provide convenient tanks or runs of water through the said Town, and to sink wells, and lay, erect, and place pipes, gutters, conduits and pumps in any of the said streets, and may remove and alter the same when and in such manner the said Commissioners shall think proper.

VI. The said Commissioners, by and with the consent of the said Governor of Bengal, may, by agreement or in conformity with the provisions of Act XXII. of 1847, purchase or take absolutely or on lease, for such terms as they may think fit any water-works, streams of water, lands, fixtures or other property which the said Commissioners may deem it necessary to purchase, or take for any work or purpose which they are required or authorized to do and execute under this Act, or the said Act No. X. of 1852, and when the said Commissioners take and purchase any lands for the purposes of this Act otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the powers so given, be subject to the provisions and restrictions contained



in the said Act No. XXII. of 1847; and the said Commissioners shall make to the owners and occupiers of and all other parties interested in any such lands taken for the purposes of this Act, full compensation for the value of the lands so taken, and for all damages sustained by such owners, occupiers and other parties by reason of the exercise, as regards such lands, of the powers vested in the Commissioners by this Act; and the amount of such compensation shall be determined in the manner provided by the said Act No. XXII. of 1847, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said Act No. XXII. of 1847, shall be applicable to determine the amount of any such compensation, and to enforce the payment or other satisfaction thereof.

**VII.** The Commissioners, by and with the consent of the Governor of Bengal, may sell or dispose of any lands or other property vested in or acquired by them under the powers herein, or in the said Act No. XXII. of 1847, contained, which it may appear to the Commissioners may be properly sold or disposed of; and for completing and carrying any such sale of lands into effect, the Commissioners may make and execute a conveyance of the lands sold and disposed of as aforesaid unto the purchaser or as he shall direct, and such conveyance shall be under the hands of three of the Commissioners, and under the seal of the Commissioners, and a receipt, under the hands of three of the Commissioners, shall be a sufficient discharge to the purchaser of any such lands for the purchase money in such receipt expressed to be received, and the money to arise from such sale shall be applied to such of the purposes of this Act as the Commissioners shall think fit.

**VIII.** The said Commissioners may, from time to time as they shall see fit, widen, deepen, embank, alter, arch over, amend, clean and scour out all or any of the sewers or drains within the said Town as may be necessary, and also cleanse and drain off into any sewers or drains, and fill up and level or otherwise abate all stagnant pools, ditches, tanks and other receptacles of foul water and filth existing within the said Town, whether the same be the private property of any person or persons or otherwise, and the said Commissioners, if they shall think fit, may take up, stop, fill in, and discontinue any sewers or drains which they shall deem useless or unnecessary; Provided always that the expenses incurred in respect of any such works done or executed on the private property of any person, if not defrayed by such person on demand thereof, may be recovered by distress and sale of the goods and chattels of such person, and any two of the said Commissioners may issue their warrant of distress accordingly.

**IX.** Every Commissioner and the Surveyor to the Commissioners, with such subordinate officers or persons as they may require shall, when it shall be necessary or convenient for the purpose of making any survey or examination of any sewers or drains, or of making or repairing or cleansing any sewers, drains, or works within the said Town, or of carrying into execution any of the powers entrusted to the Commissioners by this Act, or Act No. X. of 1852,

have full power and authority, at all reasonable hours in the day-time, to enter, examine, and lay open, or to direct their subordinate officers to enter, examine and lay open, any house, building or other erection, or any lands, without being liable to any action at Law or Suit in Equity, or any other legal proceedings or molestation whatsoever, for or on account of such entry, examination, or works, or of any thing done, or to be done in any part of such house, building, erection or land in pursuance of this Act; Provided always, that except in cases of emergency, none of the persons above mentioned shall enter, examine or lay open any house, building or other erection, or lands which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of their intended entry and of the object thereof: Provided also, that compensation shall be made for any damage occasioned by such entry and works to all persons other than the owners and occupiers of any land or building in respect of which any private drain or sewer, or the state of drainage shall be inspected, cleansed, or repaired, and other than the owners or occupiers of any premises where any nuisance may exist, and other than the person who may have caused such nuisance; and provided also, that in case no nuisance shall be found to exist in or on the house, building or other erection, or lands so entered, examined and laid open as aforesaid, the said Commissioners shall, out of the rates and taxes aforesaid, cause the said house, building, or other erection, or lands, to be restored to the same state and condition in all respects as the same were in before they were so entered, examined or laid open.

**X.** If any house, building, or wall, or anything affixed thereon within the limits of the said Town, be deemed by the Commissioners or their Surveyor to be in a ruinous state, or likely to fall, and also dangerous to passengers or the occupiers of neighbouring buildings, such Surveyor shall immediately cause a proper board or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner of such house, building, or wall, or other thing, if he be known and resident within the said limits, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or other thing, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure such house, building, wall, or other thing, within the space of three days after such notice has been given or put up as aforesaid, and complete the same as speedily as the nature of the case will admit, the said Commissioners shall, with all convenient speed, cause all or so much of such house, building, wall, or other thing, as shall be in a ruinous condition, or likely to fall, and also dangerous as aforesaid, to be taken down, repaired, rebuilt or otherwise secured in such manner as shall be requisite; and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding or securing such building, wall, or other thing, shall be paid by the owner thereof, if such owner can be found within the said limits; and if, on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress on the goods and chattels of the owner of the said house, building, wall,

or other thing, and any two Commissioners may issue their warrant of distress accordingly.

XI. If any such house, building, wall, or other thing, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house, building, wall, or other thing, and the Commissioners shall restore any overplus arising from such sale to the owner of such house, building, wall, or other thing on demand; nevertheless the Commissioners, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

XII. The said Commissioners, by and with the consent of the Governor of Bengal, may construct, make, and lay, or cause to be constructed, made, and laid, such reservoirs, canals, aqueducts, channels, tanks, sewers, drains, bridges, banks, conduits, machinery, engines, waste-gates, stop-gates, stop-cocks, sluices, tunnels, water-pipes, and other works, as shall, in their opinion, be necessary and proper for obtaining water and supplying the same to the said Town, and for the effectual draining and cleansing of the said Town, and for the properly flushing and cleansing out such sewers in, under, or across all or any of the streets therein, whether dedicated to the public use or not, and if needful through and across all under-ground cellars, and vaults, which they may find under any of the said streets, doing as little damage as may be; and also to cause such and so many rings and openings to be made or left in the sides of the said sewers, as will be sufficient for the making or branching any drain or drains from any or all of the houses built, and which may probably be built, adjoining or near thereto, into any of the said sewers, as the said Commissioners shall think necessary for that purpose; and in case it shall be found necessary for completing any of the aforesaid works to build, carry, or continue the same in, into, through, or over any enclosed lands, or other place not being a public way, it shall be lawful for the said Commissioners to build, carry, or continue the same in, into, through, or over the said lands or other places accordingly, and the said Commissioners shall cause such sewers to communicate with and empty themselves into any public river, stream, canal, or watercourse, whether within or without the said Town, or shall cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its deposit, collection, and sale, and its application as manure for agricultural purposes or otherwise, as they shall deem most expedient, but so that the same shall in no case become a public nuisance or annoyance to the neighbourhood.

XIII. For the purpose of constructing any aqueducts for bringing water to the Town of Calcutta from any place without the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, or for the purpose of making sewers or drains to communicate with or empty themselves into any public sewer, lake, stream, canal, or water-course without the said limits, it shall be lawful, whenever a plan for any such aqueduct, sewer, or drain shall have been approved by the

Governor of Bengal, for every Commissioner, and for the Surveyor and Secretary to the Commissioners, with such Assistants as they may require, to exercise, in the construction of such aqueduct, sewer, or drain throughout the line of country through which the said aqueduct, sewer, or drain is to run, all the powers which by this Act it is lawful for them to exercise within the said local limits, and which may be necessary for the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any Magistrate of any district through which the said aqueduct, sewer, or drain is to run, in furtherance of the construction of such aqueduct, sewer, or drain, to do such acts within the limits of his own district as it is by this Act lawful for a Magistrate of the Town of Calcutta to do, in furtherance of any work to be executed by the said Commissioners within the said local limits.

XIV. It shall be lawful for the said Commissioners, instead of executing any of the works which by this Act they are authorized to execute by themselves, their servants, and assistants, to execute the same by contract with any individual or company who may be willing to undertake the same, and in that case it shall be lawful for such individual or company to exercise and enjoy all the powers and privileges which by this Act it is lawful for the said Commissioners to exercise and enjoy in the execution of any such works. Provided always, that no Commissioner or Officer, or servant of the Commissioners, shall be in any wise concerned or interested in any contract or work made with or executed for the Commissioners, and if any such Commissioner, or Officer, or Servant, be so concerned or interested, or shall, under colour of his office or employment, exact, take, or accept any fee or reward whatsoever, other than his proper salary, wages, fees, and allowances, he shall be incapable of afterwards holding or continuing in the office of Commissioner, or any office or employment under the Commissioners, and shall forfeit and pay the sum of Company's Rupees five hundred, which may be recovered by any person, with full costs of suit, by action of debt.

XV. The said Commissioners may, with the consent and approbation of the said Governor, contract and agree with any person for supplying the said Town, or any part thereof, with water, and may also, with the like consent and approbation, grant to any person contracting to supply the said Town, or any part thereof, with water, a lease, for any term not exceeding twenty-one years, of any water-works, machinery, streams, waters, lands, tenements, easements, rights, privileges, and advantages, belonging to or acquired by, or which may belong to or be acquired by or be vested in the said Commissioners, under any of the powers or authorities in this or any other Act contained, so as to enable such person or persons so contracting the more effectually and efficiently to procure and supply water in pursuance of any such contract or agreement; and every such lease so to be granted by the said Commissioners may be made subject to such conditions and stipulations as to the supplying water, for the purposes of this Act, or any of them, as may be agreed upon between the respective parties thereto. Provided always, that no lease or contract made in pursuance of the powers hereinbefore contained shall be valid or effectual, for any pur-

pose whatsoever, unless the said Governor's approval of the same shall be testified by writing, endorsed on such lease or contract, under the hand of the Secretary to the Government of Bengal.

**XVI.** It shall be lawful for the said Commissioners, their Secretary, Surveyor, or other Officer, subject to the restrictions in this Act contained to enter upon the lands of any corporation or person adjoining to, or being within the distance of one hundred yards of the works by this Act authorized to be made, or any part thereof, for the purpose of depositing upon such lands, or any part thereof, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment tender, or deposit, the said Commissioners, their Secretary, Surveyor, or other Officer, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said lands to the owners and occupiers thereof, from time to time, and as often as any such temporary occupation shall be taken or any such temporary damage done, and making compensation to the owners also for the permanent injury (if any) to such lands; and in case the parties differ respecting the amount of the compensation, or the respective shares of several claimants of compensation, then and in every such case the said disputes respectively shall be settled and adjusted by arbitration, or by the verdict of a Jury, summoned and assembled in manner provided in Act No. XXII. of 1847. Provided always that before the said Commissioners make any such temporary use as aforesaid of the lands adjoining or lying near to the said works, they shall give fourteen days' notice of such their intention to the owners and occupiers of such lands, and shall separate and set apart by sufficient fences so much of the lands as shall be required to be used as aforesaid from the other lands adjoining thereto.

**XVII.** The said Commissioners, when executing any works hereby authorized to be made, shall, at their own expense, make and provide a sufficient number of convenient roads, ways, watering places, wells, water-courses, drains and channels for the irrigation and for the use of the adjoining lands, and for irrigating the same in those parts where the present roads, ways, watering places, wells, water-courses, drains, and channels shall and may be taken away or interrupted, injured, or rendered inconvenient or useless by reason of the execution of the said works, and in case of any difference arising between the said Commissioners and the owners of such adjoining lands, such difference shall be settled by arbitration, or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

**XVIII.** The said Commissioners shall make full compensation out of the rates and taxes to be levied by them to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, or their Officers or servants, under and by virtue of this Act.

**XIX.** It shall be lawful for the said Commissioners to direct any prosecution before any Court or Justice of the Peace for any public nuisance whatsoever which shall be

permitted, suffered or committed within the said Town, and to order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecutions and other proceedings to be paid and borne by and out of the funds placed at their disposal under the provisions of this or any other Act.

**XX.** It shall be lawful for the said Commissioners, if they shall not think fit to take any other proceedings prescribed by this Act, to prefer any bill of indictment or information, or to take any other proceedings against any person who shall obstruct or molest the said Commissioners, or their Secretary, Surveyor, or other Officer or servant, or any workman or other person employed by them in the performance and execution of their or his duty, under or by virtue or in consequence of this Act, or who shall steal, take, or carry away, or wilfully deface or injure any property, article, or thing belonging to the said Commissioners, and in every such case it shall be sufficient to state generally the property, article, or thing, in respect of which such proceeding shall have been taken, to be the property of the said Commissioners.

**XXI.** It shall be lawful for any of the Commissioners, their Secretary, Surveyor, Inspectors, Overseers, or any servants or persons employed by them, and for any Inspector of Police or policeman employed in the said Town, and such other person or persons whom he or they shall call to his or their assistance, without any summons, or warrant, or other authority than this Act, to seize and detain any unknown person who shall commit any offence against the provisions of this Act, and to take him immediately to a Police Station, where he shall be detained in default of Bail until he can be taken before any Justice of the Peace, who is hereby required to proceed and act with respect to such offender according to the provisions of this Act.

**XXII.** The Commissioners, or any one of them, or any person appointed by them for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place, kept or used for the sale of butcher's meat, poultry, fish, or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, or vegetables which may be therein, and in case any animal, carcase, meat, poultry, game, flesh, fish, or vegetables appear to be intended for the food of man, and to be unfit for such food, may seize, remove, and destroy the same, at the expense of the owner thereof, or the owner, occupier, or farmer of any such public market, bazar, or slaughter-house, or private shop or stall within the Town, wherein the same shall be exposed or allowed to be exposed for sale.

**XXIII.** The Commissioners or their Surveyor shall have full power and authority to remove or order the removal of any wall, fence, rail, post, or other obstruction or encroachment in any street or in or over any drain, sewer, or aqueduct, within the said Town, whether the proprietary right to such street drain, sewer, or



aqueduct shall be in dispute or not: provided always that nothing in this Act shall be construed to give the said Commissioners or their Surveyor power to remove such wall, fence, or other obstruction after the decree or order of any competent Court has declared the land, walled, fenced, or railed in, to be private property.

**XXIV.** When any private tank, or low marshy ground, shall appear to the Commissioners to be offensive to the neighbourhood or unwholesome, it shall be lawful for the said Commissioners to require, by notice in writing, the owner thereof to cleanse or fill up the same, and if the said tank shall remain uncleansed or not filled up for seven days after such notice, it shall be lawful for the said Commissioners to enter into and upon the adjoining lands, and to cleanse or fill up the said tank as they shall think fit, and the expense incurred thereby shall be paid by the owner of such tank, to be recovered in manner hereinafter mentioned.

**XXV.** The Commissioners may affix on or to the wall of any house or compound, or in or to any wall within the said Town, as they shall think fit, any board or metal plate to indicate the name of the street in which such house, compound, or wall is situate, or any lamp for the purpose of lighting the street.

**XXVI.** It shall be lawful for the said Commissioners or their subordinate Officers, as they shall think fit, to kill and destroy, or to order to be killed and destroyed, all dogs that may be found loose in the said streets, and not accompanying their owners or some person in charge of them.

**XXVII.** The said Commissioners shall, so far as the funds at their disposal will admit, keep in good and sufficient repair every street now or at any future time existing in the said Town.

**XXVIII.** When any of the streets, sewers, or drains in the said Town are being made, or shall be under repair, the Commissioners or their Surveyor, or other subordinate Officer, shall take proper precautions against danger by shoring up and protecting the adjoining houses, and shall fix and place, or cause to be fixed and placed such and so many bars, chains, or posts across or in any of the said streets to prevent the passing and repassing of carriages, carts, or other vehicles, cattle or horses, during the time of such works and repairs being carried on as shall be necessary, and the said Commissioners and their said Surveyor shall cause any sewer or drain or other works, during the construction or repair thereof by them, to be well and sufficiently lighted during the night to prevent accidents.

**XXIX.** The said Commissioners, so far as the funds at their disposal will admit, shall provide lamps for lighting such parts of the said Town as the said Commissioners shall consider to require the same, and shall keep the said lamps in fit order for public use, and shall keep and employ a sufficient number of persons to cleanse, prepare, repair, and light the same, and shall also from time to time, as shall be required, increase or otherwise alter the number and situation of the said lamps, as to them shall appear necessary for the lighting of the said town.

**XXX.** The said Commissioners and their said Surveyor and other Officers shall cause all the public streets of the said Town, together with the foot-pavements or foot-paths therein, from time to time to be properly swept and cleansed, and all dust, dirt, soil, ashes, rubbish and filth of every sort which may be found thereon to be collected and removed therefrom at convenient hours and times, and shall cause all or any of the privies, cesspools, and drains within the said Town to be cleansed and emptied in a sufficient and proper manner by the owners or occupiers of the premises: and the said Surveyor or other subordinate Officer of the Commissioners shall give such orders and directions to the owners and occupiers aforesaid as to the said Surveyor or other Officer as aforesaid, acting under the orders and control of the said Commissioners, shall appear proper and necessary, and the said Commissioners may, in their discretion, order and direct where, and in what places, and how, and in what manner, the dust, dirt, soil, night soil, ashes, rubbish and filth collected in the said Town shall be deposited and disposed of.

**XXXI.** The owners of any private drains in the said town shall by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose, prevent as far as possible the effluvia of sewers and drains from exhaling from gully-holes, gratings, or any other openings whatsoever of drains or sewers in streets or other places, and in case the owner of any private sewer or drain shall neglect or delay so to do, the Surveyor of the said Commissioners shall give him notice to prevent as far as possible the effluvia of such sewer or drain from so exhaling, and if the same shall not be done by such owner within ten days after such notice shall have been given to him, the said Surveyor shall forthwith provide and apply proper traps or other coverings, or such other means as aforesaid, so as effectually to prevent such effluvia from exhaling, and the expense incurred thereby shall be paid by the owner of such sewer or drain, to be recovered in manner hereinafter mentioned.

**XXXII.** If upon the representation of the Surveyor of the Commissioners, and after inquiry by such other ways and means as the Commissioners may think fit to direct, the said Commissioners shall certify, (such certificate to be published in the *Calcutta Gazette* and in one of the English and Bengalee newspapers respectively usually circulated within the town,) that any burial-ground situated within the said town is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship within the town is dangerous to the health of persons frequenting the same by reason of the state of the vaults or graves within the walls of or underneath the same, and that sufficient means of interment exist within a convenient distance from such burial-ground, church, or place of public worship, it shall not be lawful, after a time to be named in such certificate, to bury or permit or suffer to be buried any further corpses or coffins in, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate, and whosoever after notice of such certificate buries or causes, permits,

or suffers to be buried any corpse or coffin contrary to this enactment, shall for every such offence be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Company's rupees five hundred.

**XXXIII.** No vault or grave shall be constructed or made within the walls of or underneath any church or other place of public worship built in the said Town after the passing of this Act, and no burial-ground shall be made or formed within the said Town after the passing of this Act without the consent of the Commissioners first had and obtained, and whosoever shall bury or cause, permit, or suffer to be buried any corpse or coffin in any vault, grave, or burial-ground constructed, made, or formed contrary to this enactment, shall for every such offence be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Company's rupees five hundred.

**XXXIV.** No writ or process shall be issued out against or served upon any Commissioners or any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners for anything done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at his office or place of abode, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause, and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant, and every such action shall be brought or commenced within three calendar months next after the accrual of the cause of action, and not afterwards, and if any party shall have committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act or by virtue of any power or authority hereby given, and if before action brought in respect thereof such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

**XXXV.** No matter or thing done, or contract entered into by the Commissioners, or any one of them, or by any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners, shall, if the matter or thing were done, or the contract were entered into *bona fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense incurred by any such Commissioners, Secretary, Surveyor, or other Officer or person acting as last aforesaid, shall be borne and repaid out of the funds under the control of the Commissioners.

**XXXVI.** All the streets existing within the said Town at the time of the passing of this Act, and all parts of the said Town which shall hereafter become streets, and also the pavements, stones and other materials therein, and all erections and building materials, implements or other things provided for the said streets, by or under the authority of the Government of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, and also all public sewers and drains within the said Town, together with all works, materials and things therewith connected and belonging, existing in the said Town at the time of the passing of this Act, or which shall hereafter be constructed and made therein by the said Commissioners or otherwise, and also all canals, aqueducts, conduits, tunnels, water works, cisterns, pumps, pipes, tanks, reservoirs and wells which now are or shall hereafter be provided or lawfully applied to public use, and which are not the property of any private person, together with all buildings, engines, works, materials and things therewith connected, existing in the said Town at the time of the passing of this Act, or which shall hereafter be constructed and made therein at the costs of the said Commissioners or otherwise, and also all lands surrounding and belonging to public tanks and slips of ground, alongside of any street, drain or aqueduct not the property of any private person, and also all lands belonging to the late Lottery Committee and not legally appropriated, and also all dirt, dust, dry and liquid filth, ashes and rubbish to be collected from the streets, houses, privies, sewers and cess-pools and elsewhere within the said Town, shall be the property of and are hereby vested in the said Commissioners as Trustees for the purposes of this Act.

**XXXVII.** Nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be deemed and adjudged to be a nuisance at common Law, nor to exempt any person guilty of a nuisance at common Law, from prosecution or action in respect thereof. Provided always, that if any person convicted of an offence under this Act, shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof, or shall have suffered imprisonment in respect of such offence, in every such case he shall be released from all further or other criminal proceedings for the same offence.

**XXXVIII.** It shall be lawful for any person, at his own expense, to make or branch any drain into any of the sewers vested in the said Commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by the said Commissioners, such drain being made of such a size and in such a manner of communication in all respects as the said Surveyor of the said Commissioners shall direct, and for that purpose to take up and remove with the permission of the Commissioners so much of the pavement and other materials of any street as may be required, unless the said Commissioners shall consent and agree, which they are hereby authorized to do, to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street, and in case any per-

Streets, drains, filth, &c., the property of Commissioners as Trustees.

Act not to exempt parties guilty of nuisance from prosecution or action.

Parties may make branch drains into public sewers, as Surveyor of Commissioners shall order. Penalty for offences against this Section.

Commissioners and their servants not to be personally liable when act done bona fide.

son shall make or branch any drain into any of the said sewers as vested in the said Commissioners, or authorized to be made, under and by virtue of this Act, of a different size or in a different manner and form of communication than shall be directed or appointed by the said Surveyor, every person so offending shall, for every such offence, forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding fifty rupees, and in default of payment shall be imprisoned for any period not exceeding one month, and the said Justice shall order the said person so offending to alter such drain as required by the said Commissioners within ten days, and in default the said Commissioners shall, at the expense of the maker of such drain, alter or destroy the same as they shall think fit, and in case the expense of making such alteration or destruction shall not be paid by the owner or maker of such drain, the expense incurred thereby shall be recovered in manner hereinafter mentioned.

**XXXIX.** It shall be lawful for the said Commissioners to contract and agree with the owners of any houses or other tenements within the said Town, that any drains required to be constructed and made by such owners shall be constructed and made by the Surveyor of the said Commissioners, and the cost price of making such drains, (as certified by the said Surveyor of the said Commissioners,) shall be repaid by such owners to the said Commissioners, and in default of such payment the same may be recovered in the manner hereinafter provided.

**XL.** Before beginning to dig or lay the foundations of any new house, building or wall within the said Town, or to rebuild any house, building, or wall therein, contiguous or near to any street and not being within the compound wall of any premises, and also before making any sewer or drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Commissioners, fourteen clear days' notice in writing shall be given to the Secretary to the said Commissioners by delivering the same to him or leaving it at his office by the person intending to build or re-build such house, building or wall, or to make such sewer or drain; and every foundation of any such house, building, or wall, and the drains within the same, shall be laid at such level as the Surveyor of the said Commissioners shall direct, and so as that no part of the said house, building, or wall shall project or encroach into or over the adjoining street, drain, or aqueduct, and so as that the said drains may be properly built with reference to the adjoining public drains, and every such branch drain shall be made in such direction, manner, and form, and of such materials and workmanship as the said Surveyor shall order, and the building or re-building of any such house, building, or wall shall be under the survey and control of the said Commissioners and their Surveyor so far as may be necessary to prevent any projection or encroachment in or over any street, drain, or aqueduct, and to insure that the level of the drains within such house, building, or wall shall be properly built with reference to the public drains; and in default of such notice as aforesaid, or if such building or drain shall be begun, or made without, or in any respect contrary to, any

order of the said Surveyor, or of the provisions of this Act, it shall be lawful for the said Commissioners to cause such building to be demolished, and to cause such drain to be re-laid, amended, destroyed, or re-made as the case may require, and to cause the expenses thereof to be levied and re-paid to them from and by the owner thereof in manner hereinafter provided.

**XLI.** Every person upon conviction before any Justice of the Peace, on the testimony of one or more credible witnesses, shall be liable to a penalty of not more than Fifty Rupees, or in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding one month, who, within the limits of the said Town, shall commit any one of the following offences; (that is to say,)

1. Every person who shall throw or put, or cause or order or allow his servants to throw or put, or from whose premises shall be thrown or put, any dirt, dung, mud, dust, ashes, garden or stable refuse, or rubbish of any kind, or the carcass of any dog or other animal, or any flesh or other part of an animal, or any animal matter, upon any of the public streets, except between the hours of midnight and seven in the morning.

2. Every person who shall throw or put, or cause or allow to be thrown or put, or from whose premises shall be thrown or put, any broken bottles, glass, china or crockery-ware upon or into any street, drain or aqueduct.

3. Every person who shall keep, or allow to be kept, for more than twenty-four hours, any dirt, dung, mud, dust, bones, ashes, night-soil, or other rubbish of a perishable and noisome kind in or upon any house, out-house, yard, or ground occupied by him.

4. Every person being the owner or occupier of any private tatty, drain, sewer, cesspool, tannery, or other receptacle of filth, who shall neglect or refuse to keep the same in a clean and proper state, or to employ proper means to remove any noisome smell or the filth therefrom, or who shall expose the contents of such privy to the view of the passers by in the street.

5. Every person being the owner or occupier of any house, hut, building, or lands, whether tenable or otherwise, who shall suffer the same to be in a filthy and unwholesome state, or overgrown with rank and noisome vegetation.

6. Every person who shall cause or allow the water of any sink, sewer, or drain or other offensive liquid matter belonging to him, or running through or being on his land, to run, drain, or be carried into or upon any of the streets, tanks, aqueducts, or reservoirs belonging to the Commissioners, or who shall commit or cause any act whatsoever whereby the water provided for the domestic use of the inhabitants of the town shall be in any way fouled or corrupted, or who shall throw or put, or cause or order or allow his servants to throw or put, or from whose premises shall be thrown or put, any dirt, dung, mud, dust, ashes, night-soil, garden or stable refuse or other rubbish, into any of the public sewers or drains, or into any reser-



voirs, tanks, aqueducts, or other water-works belonging to the Commissioners.

7. Every person who shall have or keep any common lattee, privy, or urinal, on any ground owned or occupied by him within the Town, without a licence first had from the Commissioners who are hereby authorized to grant the same under the hand of their Secretary: such licence shall be granted for one year, and shall be renewed or not every year according to the discretion of the Commissioners.

8. Every person being the owner or farmer of any licensed lattee, privy, or urinal within the said Town who shall suffer such lattee, privy, or urinal to be kept in a filthy and unclean state, or shall neglect to employ proper means for cleaning and regulating it.

9. Every person who shall wantonly or wilfully destroy, injure, or deface any of the lamps or lamp-posts in the said streets, or extinguish any light therein, or abstract or take away from any of the said lamps any oil or other matter or thing therein, or any part thereof, without the order of the said Commissioners or of their said Surveyor, or who shall wantonly or wilfully destroy, injure, or deface any board bearing on it the name of any street or the number of any building or land within the said Town, or any notice of the said Commissioners fixed or posted up in any place.

10. Every person who shall displace, take up, or make any alteration in the pavements, flags, stones, fences, posts, or other materials of any foot or carriage-way in any street, without the consent in writing of the said Commissioners or of their said Surveyor, or who shall cause any obstruction to or make any encroachments upon any street or upon any sewer, drain, aqueduct, or space of ground alongside a street, drain or aqueduct.

11. Every person who shall take down or remove any fences or boards, or any bars, chains, or posts erected by the said Commissioners, or extinguish any light attached to or connected with the said fences, boards, bars, chains, or posts without the authority or consent of the said Commissioners or their Surveyor.

12. Every person who shall carry or cause to be carried in carts, pots, handies, or other vessels any night-soil or urine, or other noisome or offensive matter through the public streets except between the hours of midnight and eight in the morning, or who shall carry or cause to be carried any night-soil or urine in such manner that any offensive smell or drainings issue therefrom, or who shall place or set down in any public place any vessel containing night-soil or urine, or who shall carry or cause the same to be carried in any other than covered carts or vessels, or who shall throw or deposit any night-soil in or upon any street.

13. Every person who shall bathe or wash any part of his person in any public street, or upon or in any of the tanks, reservoirs, aqueducts, water-works, or drains belonging to the Commissioners except in such of the said tanks, reservoirs, aqueducts, water-works, or drains as the Commissioners shall set apart for that purpose.

14. Every person who shall wash or cause to be washed any horse, dog, or other animal, or any cloth, wearing apparel, leather, or skin of any animal, or any foul or offensive thing on any street, in or near any tanks, reservoirs, aqueducts, water-works, or drains belonging to the Commissioners, or on or in the road adjoining thereto, except in such of the said tanks, reservoirs, aqueducts, water-works, or drains as the said Commissioners shall set apart for that purpose.

15. Every person who shall wilfully and indecently expose his person, or who shall commit nuisance in any of the public streets.

16. Every person being the owner or occupier of any house, hut, or building within the Town which has a drain on the same side of the street where-in such house, hut, or building is situate, who shall cause or allow any water, or liquid matter from or on such house, hut, or building to flow or be carried through pipes, gutters, water-spouts or other means on any part of any public street, or on any place but his own land or the public drain, or who shall refuse or neglect to remove or alter the direction of any such pipe, gutter, or water-spout after the expiration of ten days' notice for that purpose given by the Surveyor of the said Commissioners; and any person being the owner or occupier of any house, hut, or building in the said Town, which has not a drain on the same side of the street as such house, hut, or building, who shall convey the water from the said house, hut, or building in or upon any public street, through pipes or water-spouts the mouths of which shall be higher than two feet from the ground.

17. Every person being the owner or occupier of any house, hut, or building, who shall cause or allow any verandah, balcony, sunshade, or other part of any house, hut, or building to overhang and project into any public street or public place at a height of less than eleven feet from the level of the roadway or to a distance exceeding four feet from the house, and who shall refuse or neglect to take down and remove such verandah, balcony, sunshade or other projection after the expiration of fifteen days' notice for that purpose given by the Surveyor.

18. Every person who shall, after the passing of this Act, erect or set up any verandah, balcony, sun-shade, or other projection of any kind which may overhang and project into the road at any height and to any distance without licence first obtained from the Commissioners under the hand of their Surveyor.

19. Every person who shall wash or cleanse, or cause or order or allow his servants to wash or cleanse any carriage or other conveyance, or horse or other animal, or whose carriage or other conveyance or horse or other animal shall be washed or cleansed in any public street or other public place.

20. Every person who shall place, set up, or build in any public street within the Town any board, scaffolding, post, bar, rail, boards, or other thing by way of inclosure for the purpose of making mortar, or of

depositing, sitting, scattering, or slackening any bricks, stone, lime, sand, or any other materials for building or repairing any house or other building, or for any other purpose whatsoever without licence first obtained from the Commissioners, who are hereby authorized to grant such licence, under the hand of their Surveyor, or who shall set up or build the same in any other manner, or allow or cause the same to be continued for any longer time than shall be allowed or expressed in such licence, or who shall cause or allow any of the building materials or other things to extend beyond the distance expressed in the licence.

21. Every person who shall have been allowed by the Commissioners to set up any scaffolding or deposit any bricks, stone, lime, sand, or other building materials on the public streets, and who shall not cause a light to be set up every night from sunset to sunrise on every such erection or obstruction.

22. Every person who shall build any wall, or erect any fence or obstruction, or set up any post so as to be an obstruction in any street, whether the proprietary right to such street shall be in dispute or not.

23. Every person who shall set out, place, or expose, or cause to be set out, placed, or exposed, whether for sale or otherwise any stall, booth, show-board, basket, cask, or meat, fish, vegetable, fruit, groceries, or any other merchandise or goods of any kind, or any stone, bricks, earthen-ware, hardware, timber, or any other thing whatsoever, whether animal, vegetable, or mineral, in or upon any of the public streets or in or over any drain, sewer or aqueduct.

24. Every person who shall sift or clean, or cause to be sifted or cleansed, or exposed for any other purpose any cotton, grain, seeds, rice, coffee, onions, or any other vegetable matter whatsoever, or who shall sift brick-dust or lime on any public street, or on or over any public drain, sewer, reservoir, or aqueduct.

25. Every person who shall keep or leave any carriage, cart, hackery, or other conveyance, or any horse, ox or other animal, on any public street or on or over any public drain, sewer, or aqueduct, so as to cause an obstruction in the streets or public thoroughfare.

26. Every person who shall set fire to or burn any straw, hay, seeds, timber, or any other matter, or light any bonfire or fire in any public street, or discharge any kind of fire-arms or any air-gun, or let off or throw any kind of fireworks or send up any fire-balloon any where in the said Town.

27. Every person who shall beat or sound any musical or sounding instrument, or any brass or metal utensil in the public streets, except at such times and places as shall be from time to time appointed by the Chief Magistrate upon application made to him for that purpose.

28. Every person, other than the said Commissioners or their servants, who shall affix any bill, notice, or any paper against or upon any building, wall, fence, or board, or who shall write upon, deface, or

mark with chalk, or paint, or in any way whatsoever, any building, wall, fence, or board without the consent of the owner or occupier thereof.

29. Every person who shall expose or allow to be exposed within the limits of the said Town any animal, carcase, meat, poultry, game, flesh, fish, or vegetables in a decayed and unwholesome state and unfit for the food of man.

30. Every person who shall slaughter or cut up any beast, sheep, swine, or other animal in any public street or so near thereunto that any blood or filth or other matter from the same shall flow or be carried into such street.

31. Every person being the owner, occupier or farmer of any public market, bazar, or slaughter-house, who shall keep or allow the same to be kept in a filthy and unclean state, and shall refuse or neglect, after the expiration of two days' notice to be given by the said Commissioners or their Surveyor, Overseer, or Bazar Inspector, to cause such market, bazar, or slaughter-house to be properly cleansed and the filth thereof removed.

32. Every person who shall keep in any street, house, out-house, yard, or in ground within the Town any swine or a flock of more than twenty sheep, goats or horned cattle.

XLII. It shall be lawful for the said Commissioners, with the concurrence of the Chief Magistrate, to set apart, at their discretion, certain of the public ghauts on the Calcutta bank of the river Hooghly for the purpose of being used as bathing places, and every person who shall by landing goods or merchandize at the said ghauts, or who shall by anchoring or otherwise fastening or keeping boats or vessels of any description in any manner obstruct or incommode the bathers at any such ghaut, shall be liable, on conviction before a Justice of the Peace, to a fine not exceeding fifty rupees, or, at the discretion of such Justice, to imprisonment for a period not exceeding one month.

XLIII. It shall be lawful for the said Commissioners, with the concurrence of the Chief Magistrate, at their discretion, to grant a licence to any person permitting him to put up posts on the side of any public street for the purpose of affixing thereon lamps to illuminate the said street on occasions of festivals or ceremonies; and any person who shall put up any such post, or affix any such lamp for any purpose, without licence first had and obtained from the Commissioners under the hand of the Secretary or Surveyor, shall, on conviction thereof before a Justice of the Peace, be liable to a fine not exceeding one hundred rupees, and in default of payment, shall be imprisoned for any period not exceeding one month.

XLIV. Every person being the owner, occupier, or farmer of any public market, bazar, or slaughter-house within the Town, shall cause such market, bazar, or slaughter-house to be registered at the Office of the Commissioners, with a general description of the place, size, number of shops and stalls, and kinds of goods therein exposed for sale; and if he shall refuse or neglect so to register the same he shall forfeit and pay, on conviction before a Justice of the Peace, a sum not

exceeding one hundred rupees, and in default of payment thereof, shall be liable to be imprisoned for any period not exceeding one month.

**XLV.** No place shall be used or occupied as a slaughter-house, within the said Town, which was not in such use and occupation at the time of the passing of this Act, and has not so continued ever since, unless and until a licence for the erection thereof, or for the use and occupation thereof, as a slaughter-house has been obtained from the Commissioners, and every person who, without having first obtained such licence as aforesaid, shall use as a slaughter-house any place within the said limits not used as such at the time of the passing of this Act, and so continued to be used ever since, shall for every such offence forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding one month.

**XLVI.** Every person being the owner, occupier, or farmer of any market, bazar, tannery, or slaughter-house within the said Town is required to have such a number of drains therein as shall be considered sufficient by the Commissioners, and shall have all the floors and drains paved with stone or burnt brick, and he shall have also therein a supply of water sufficient in the judgment of the Commissioners to keep the whole place in a clean and wholesome state at all times, and in default thereof for four weeks after notice given to him by the Surveyor, Overseer, or Inspector of Markets that such market, bazar, tannery, or slaughter-house is defective in any of the said particulars, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding two months.

**XLVII.** Any person who, after the passing of this Act, shall establish any new tannery or other manufactory within the said Town, from which an offensive or unwholesome smell may arise, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding two hundred rupees, and in default of payment shall be liable to be imprisoned for any term not exceeding two months.

**XLVIII.** All doors and gates put up after the passing of this Act within the limits of the said Town, and which open upon any street, shall be hung or placed so as not to open outwards; and if any such door or gate be hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do the Commissioners may make such alteration, and the expenses of such alteration shall be paid to the Commissioners by such occupier, and shall be recoverable from him in manner hereafter mentioned. And if any such door or gate was before the passing of this Act hung so as to open outwards upon any street, the Commissioners may alter the same, or cause the same to be altered, so that no part thereof when open shall project over any public way.

**XLIX.** Every person being the owner or occupier of a house in the Town shall fix at his own expense, in a conspicuous place outside of the house or of his gate, in the street, the number of the same as recorded in the assessment books, and no other number, and the said number shall be in legible figures at least three inches in length, and any person who, after the expiration of three months after the publication of this Act, shall neglect or refuse to have such number affixed, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding fifty rupees.

**L.** Every person being the occupier of a house in the said Town, and rated at a gross monthly rental of rupees seventy and upwards for the same, shall fix, at his own expense, in a conspicuous place outside of his house, or if the said house be in a compound, outside of his gate, in the street, a lamp, of a pattern to be approved or allowed by the Commissioners, and the said occupier shall keep and maintain a good and sufficient light burning in the said lamp throughout the night, and any person who, after the expiration of three months next after the passing of this Act, shall neglect or refuse to have such lamp affixed as aforesaid, or who shall on any night after the expiration of the said three months, neglect or refuse to keep a good and sufficient light burning therein as aforesaid, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding one hundred rupees.

**LI.** When any person shall have been convicted under the provisions of this Act, and shall not, within seven days after such conviction, discontinue the nuisance or cease to commit the offence for which he was so convicted, such person shall be again liable to the penalties and punishments provided by this Act for such nuisance or offence, and may be again convicted or sentenced under this Act accordingly, and in cases where by the provisions of this Act offenders are required to have notice given them to remove the obstruction or nuisance previous to being liable to the penalties imposed by this Act, if such parties being once warned shall be convicted, and shall again offend against the provisions of this Act, it shall not be necessary to repeat the notice aforesaid, but the parties may be summoned at once.

**LII.** Any person who shall wilfully obstruct or molest the said Commissioners or any of them, or their Secretary, Surveyor, or other Officer or Workman employed by them under the provisions of this Act, or any person or company with whom they may have contracted under the provisions of this Act, or any person employed by them in the performance or execution of any duty or thing which they are respectively required or authorized to do under this Act, shall for every such offence, on conviction before a Justice of the Peace, forfeit and pay any sum not exceeding one hundred rupees, or, in the discretion of the said Justice before whom he is convicted, to imprisonment with or without hard labor for a period not exceeding three months.

**LIII.** No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act for any offence complained of before a Justice of the Peace, unless the complaint respecting such offence

No person liable for penalty unless complaint made within three months.



shall have been made before such Justice within three months next after the commission of such offence. Provided always that nothing in this Section contained shall be construed so as to prevent the removal at any time of any obstruction or encroachment in or upon any of the streets or lands or the imposing or levying at any time of any penalty or forfeiture in respect thereof.

LIV. In all cases where any damages, costs, or expenses are by this Act directed to be paid, and the method of ascertaining the amount or of enforcing the paying thereof is not provided for, such amount in case of dispute shall be ascertained and determined by arbitration, in like manner as is provided for proceeding by arbitration under Act No. XXII. of 1847, and if the parties cannot agree upon two persons or arbitrators, or the arbitrators fail to pronounce their award as aforesaid, then by any two Justices of Calcutta, and if the amount so ascertained be not paid by the said Commissioners or by the other party liable to pay the same, as the case may be, within seven days after demand thereof, the amount may be recovered by action of debt or on the case in Her Majesty's Supreme Court of Judicature or the Calcutta Court of Small Causes.

LV. The said Commissioners shall publish short particulars of the several offences for which any penalty or punishment is imposed by this Act, affecting other persons than officers or servants of the said Commissioners, and of the amount of every such penalty and punishment, and shall cause such particulars to be painted on a board, or to be printed upon paper and posted on a board in English and Bengallee, and shall cause such board to be hung up or affixed in some conspicuous place in the Office of the Secretary of the said Commissioners, and when any such penalties are of local application shall cause such boards to be affixed in some conspicuous place of the immediate neighbourhood to which such penalties are applicable or have reference.

LVI. Every penalty or forfeiture imposed by this Act, or any expense incurred by the said Commissioners in respect of any private drains, sewers, doors, or other things as aforesaid, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before any Justice of the Peace of Calcutta, and on complaint being made to any such Justice, he shall issue his summons requiring the party complained against to appear before him at a time and place to be named in such summons, and every such summons shall be served on the party offending either in person or by leaving the same at his usual or last known place of abode, and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for such Justice to proceed to the hearing of the complaint, which complaint shall be reduced to writing, and upon proof of the offence, or of the expense having been incurred, either by the confession of the party complained against or upon the oath or solemn affirmation of one credible witness or more, it shall be lawful for such Justice to convict the offender or party summoned as aforesaid, and upon such conviction to adjudge the offender to pay the penalty, or forfeiture, or suffer the punishment, or to pay the expense incurred under the provisions of this Act, as well as such costs attending the conviction as

such Justice shall think fit, which penalty or forfeiture and costs so adjudged may be levied by distress.

LVII. Where in this Act any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such sum of money and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained, or instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any penalties, forfeitures or expenses imposed or incurred under the provisions of this Act, the Commissioners or any one or more of them, if they think fit, may authorize their Secretary or other person to sue the person liable to pay such penalty, forfeiture, or expenses or any part thereof in the Calcutta Court of Small Causes; and the costs, if any, incurred in any such suit which are not recovered in the suit, may be defrayed out of the taxes levied under the provisions of Act X. of 1852.

LVIII. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action on the case in Her Majesty's said Supreme Court, or in the Calcutta Court of Small Causes.

LIX. The Justice of the Peace by whom any such penalty or forfeiture shall be imposed may, when the application thereof is not otherwise provided for, award not more than one-half thereof or any less sum to the informer, if he shall think fit so to do, and shall award the remainder or the whole thereof to the said Commissioners, to be by them applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the Secretary of the said Commissioners for that purpose, whose receipt shall be a good and sufficient discharge to the person so paying the same.

LX. If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and if the amount of such damage shall not be paid on demand, the same may be recovered by action of debt, or on the case, in the Calcutta Court of Small Causes, or in Her Majesty's said Supreme Court of Judicature.

LXI. It shall be lawful for any Justice of the Peace to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction under the provisions of this Act, at a time and place to be mentioned in such summons, and require from him on oath or solemn affirmation that he will testify the truth in such matter; and if any person

so summoned shall without reasonable cause refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, if from distance or any other cause he shall be lawfully entitled to claim such expenses, or if any person appearing shall refuse to be examined on his oath or solemn affirmation according to law, or to give evidence before such Justice, every such person shall for every such offence forfeit and pay a sum not exceeding two hundred rupees, or at the discretion of such Justice shall be imprisoned for any term not exceeding one month.

**LXII.** The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender only shall include females; the word "person" shall include corporations whether aggregate or sole; the words "oath," "affirmation," and "solemn affirmation," when used alone, shall include oath or affirmation or other declaration lawfully substituted for an oath in such case by any legislative Act of the Governor General of India in Council, or by any Act of the Parliament of Great Britain extended to India; the word "street" shall include any public square, circus, street, court, alley, foot-path, highway, lane, road, thoroughfare, public passage, or other public place within the said Town; the word "lands" shall include messuages, buildings, walls, tenements, and hereditaments of any tenure as well as lands; the words "the said Commissioners" shall mean the Commissioners for the time being appointed or acting under the provisions of Act No. X. of 1852, and the word "month" shall mean calendar month.

**FRED. JAS. HALLIDAY,**  
*Secy. to the Govt. of India.*

*Fort William, Home Department, Legislative,  
the 20th February 1852.*

The following Extract from the Proceedings of the Governor General of India in Council, in the Legislative Branch of the Home Department, under date the 20th February 1852, is published for general information :

Read a second time the Draft of a proposed Act, dated the 28th November 1851, and published in the *Calcutta Gazette* of the 3rd December 1851, to amend the mode of procedure in the Courts of the Sudder Ameens and Moonsiffs.

**Resolution.**—The Governor General in Council resolves, that the following amended Draft on the subject be published for general information :

**ACT No. — OF 1852.**

*An Act to amend the mode of procedure in the Courts of the Sudder Ameens and Moonsiffs in the Bengal Presidency.*

Whereas it is desirable that the mode of procedure in original suits in the Courts of the Sudder Ameens and Moonsiffs should be assimilated to the mode of procedure in such suits in the Courts of the Judges and Principal Sudder Ameens, It is hereby enacted as follows:

**I.** Sections XIX., XXI., XXII., XXIV., XXVII., XXIX., XXXV., XXXVII., and

Clauses 1, 2, 3 and 5 of Section XXV., and Section LXXIII., so far as it extends Clauses 1, 2, 3 and 5 of Section XXV. and Section XXXV. to Sudder Ameens, of Regulation XXIII. of 1814, and Clause 5, Section V., Clause 3, Section XV., of Regulation V. of 1831, and so much of Clause 3, Section VIII. of the said Regulation V. of 1831, as relates to the Clauses and Sections of Regulation XXIII. of 1814, hereinbefore mentioned, and Section VI. of the said Regulation V. of 1831, except in so far as it rescinds Sections LVII., LVIII., and LIX., of Regulation XXIII. of 1814, all of the Bengal Code, are hereby repealed.

**II.** All laws and rules now in force relating to the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Judges and Principal Sudder Ameens, shall also apply to and regulate the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Sudder Ameens and Moonsiffs.

**III.** Sections XIII. and XXI. of Regulation III. of 1793, Sections VII. and XI., Regulation VII. of 1795, Sections XVII. and XIX., Regulation II. of 1803, Sections VIII. and IX. of Regulation VII. of 1832 of the Bengal Code, as extended by Act XXI. of 1850 shall be applicable to suits and cases in the Courts of the Moonsiffs. Clause 2, Section IV., Regulation XXVI. of 1814 of the said Code, relating to reviews of judgment shall also be applicable to the Courts of Sudder Ameens and Moonsiffs. Provided always that if a Sudder Ameen or Moonsiff shall be of opinion that a review of his judgment ought to be granted, he shall report the case to the Judge, who is hereby authorized to permit such review under the same rules as are prescribed by the existing Regulations with respect to similar applications to the Court of Sudder Dewanny Adawlut.

**IV.** Every Sudder Ameen and Moonsiff shall have power and authority to try suits in which any Vakeel or Officer of his Court is a party, anything in Section VIII., Act VI. of 1843, and in Clause 2, Section XV., Regulation V. of 1831 to the contrary notwithstanding; and suits under Clause 1, Section XXX., Regulation II. of 1819 of the Bengal Code, may be referred to them by the Zillah Judge for trial and decision under the restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section V., and Clause 2, Section XV., Regulation V. of 1831.

**V.** Nothing in this Act contained shall be construed so as to repeal or otherwise affect the rules regarding the dispensing with the use of stamp paper on certain documents in the Courts of the Moonsiffs contained in Clause 2, Section IX., Regulation V. of 1831, or the rules for procuring the attendance of witnesses in the Courts of the Moonsiffs contained in Section II., Act XVII. of 1845.

**VI.** Applicants for execution of decrees may file with their petitions an authenticated copy of the decree of which execution is sought to be taken out, and in such case it shall not be necessary to compare the petition with the decree contained in the original record of the suit, anything in Clause 7, Section XV. Regulation XXVI. of 1814 to the contrary notwithstanding.

**VII.** Original suits referred to a Sudder Ameen under Clause 2, Section XV., Regulation V. of 1831, shall be tried and determined in conformity with the Provisions of Regulation XXIII. of 1814, and of this Act, anything in Clause 3,

Section XV., Regulation V. of 1831, to the contrary notwithstanding.

VIII. Nothing in this Act contained shall be construed to affect the mode of procedure in any case pending in the Courts of the Sudder Amerns and Mooniffs at the time of the passing of this Act, but the mode of procedure in all such cases shall be governed by the law in force previous to the passing of this Act.

Ordered, that the Draft now read be re-considered at the first Meeting of the Legislative Council of India, after the 20th day of April 1852.

FRED. JAS. HALLIDAY,  
Secy. to the Govt. of India.

Fort William, Home Department, Legislative,  
the 20th February 1852.

The following Draft of a proposed Act was read in Council for the first time, on the 20th February 1852.

ACT No. — OF 1852.

- An Act for the Registration of Assurances in the Territories under the Government of the East India Company.

Whereas the laws now in force in the Territories under the Government of the East India Company, relating to the Registration of Assurances, require amendment, It is hereby enacted as follows:

I. Regulations XXXVI. of 1793, XXVIII. of 1795, XVII. of 1803, Section XVII. Regulation VIII. of 1805, so far as it relates to Regulation XVII. of 1803, Section XXXII., Regulation XII. of 1805 and Regulations XX. of 1812 and IV. of 1824 of the Bengal Code; Regulations XVII. of 1802 and XI. of 1831 of the Madras Code, and Regulation IX. of 1827 of the Bombay Code; and Acts XXX. of 1838, I. of 1843, XIX. of 1843, IV. of 1845 and XVIII. of 1847 are hereby repealed with respect to each of the Presidencies aforesaid from and after the commencement of Registration under this Act in such Presidencies respectively, but not so as to revive any other Regulation or Act thereby repealed.

II. One public office shall be established in each of the Towns of Calcutta, Madras, Bombay, Agra and Singapore, for the purposes of this Act, to be called "The Chief Register Office"; and one public office shall be established in each of the Districts to be formed and assigned as hereinafter mentioned, for the purposes of this Act, to be called "The District Register Office."

III. The Government of each Presidency or place within the said Territories shall provide and appoint, from time to time, proper buildings for such offices, in convenient places in such Towns and Districts.

IV. It shall be lawful for the Government of each Presidency or place, from time to time, to appoint for the said Chief Register Office, a Registrar, to be called the Chief Registrar, and an Assistant to such Chief Registrar, to be called "The Assistant Registrar," and it shall also be lawful for the said Government respectively, from time to time, to appoint, for each of the said District Offices, a Registrar, to be called "The District Registrar."

V. It shall be lawful for each of the said Chief Registrars and District Registrars to appoint for their respective offices such Clerks and subordinate Officers as may be allowed by the Government of each Presidency or place, and may be necessary for the execution of the duties to be performed in such offices, and at pleasure to remove them or any of them.

VI. Every Chief Registrar to be appointed as aforesaid shall be a Barrister at Law, or an Advocate of the Court of Sessions in Scotland, or a Solicitor of one of Her Majesty's Courts in India, or shall have acted as an Assistant District Registrar for a period of seven years at least.

VII. In case of the illness, death, or temporary absence of a District Registrar, or during any temporary vacancy in the Office of such District Registrar, it shall be lawful for the Civil Judge of the said District to appoint such person as he shall think fit to act as District Registrar during such illness, absence, or temporary vacancy as aforesaid.

VIII. Every Chief Registrar, Assistant Registrar and District Registrar, and such of the Clerks and subordinate Officers, to be appointed as aforesaid as the Government of each Presidency or place shall see fit, shall give Security for the due performance of the duties of his or their respective Office or Offices, in such manner and to such amount as the said Government shall respectively deem fit.

IX. Each of the said Registrars and District Registrars shall have and keep a Seal, and such Seal shall be supplied to each of the said Offices by the Government of the Presidency or place in which such Offices are respectively situate, and judicial notice shall be taken in all Courts of the impressions thereof, without any evidence of such Seal having been impressed, or any other evidence in relation thereto.

X. After the first appointment of the Chief Registrars aforesaid, the Chief Registrar of each Presidency or place in the said Territories shall, with all convenient speed, (with the consent of the Government thereof) divide such Presidency or place into Districts for the purposes of this Act, and the said Districts shall be of such extent as may, in his opinion, be convenient for facilitating searches in the separate Registers and Indexes to be kept as hereinafter mentioned for such Districts respectively.

XI. The Chief Registrar of each Presidency or place shall, at the expense of the Government of such Presidency or place, provide the Chief Register Office and each District Register Office therein with proper books for the Registers, Indexes and Receipts hereinafter mentioned.

XII. It shall be lawful for the Chief Registrar of each Presidency or place, with the consent of the Government thereof, by notice published in the Government Gazette, to appoint a time not earlier than three calendar months from the time of the publication of such notice,



when Registration under this Act shall commence; and the time so appointed shall be the time of the commencement of Registration under this Act.

**XIII. All Assurances executed after the commencement of Registration under this Act, by which any lands in the said Territories may be affected at Law or in Equity (except such Assurances as in Section XIV. mentioned) may be registered under this Act by the deposit of the original document,**

*Assurances affecting lands to be registered in "the Register of Title Deeds relating to Lands" of the District where lands are situate.*

or, where there are duplicate original documents, of one of the duplicate original documents, in the Register Office of the District in which such lands are situate, and by the entry or entries hereinafter required being made in the proper Index or Indexes to be kept under this Act in such Office, and the several documents to be deposited in such Office shall, from time to time, be made up into books or parcels, and numbered and arranged, with references to the said Indexes, in such manner as the Chief Registrar of each Presidency or place may direct, and the said books or parcels shall be called "The Register of Title Deeds relating to Lands."

**XIV. After the commencement of Registration under this Act, all leases or agreements for leases of any lands of any tenure, for any time not exceeding seven years, to commence from the date of such lease or agreement, or from any time not exceeding**

*Leases for seven years and less to be registered in "the Register of Leases" of the District in which lands are situate.*

twelve calendar months from the date of such lease or agreement, in which a Rent shall be reserved or agreed to be reserved, or any Assurance, by which any such lease or agreement shall be assigned or otherwise affected, may be registered under this Act by the deposit of the original document, or when there are duplicate original documents, of one of the original documents, in the Register Office of the District in which such lands are situate, and by the entry or entries hereinafter required being made in the proper Index or Indexes to be kept under this Act in such Offices, and the several documents to be deposited in such Office under this Section shall, from time to time, be made up in parcels or books and numbered and arranged, with references to the said Indexes, in such manner as the Chief Registrar of each Presidency or place may direct, and the said books or parcels shall be called "The Register of Leases."

**XV. All Assurances executed after the commencement of Registration under this Act, by which any money or moveable property may be affected at Law or in Equity, shall be registered under this Act by the deposit of the original document, or, where there are duplicate original documents, of one of the duplicate original documents in the Register Office of the District in which such Assurance is made, and by the entry or entries hereinafter required being made in the proper Index or Indexes to be kept under this Act in such Office; and the several documents to be deposited in such Office shall, from time to time, be made up into books or parcels, and numbered and arranged, with references to the**

*Assurances affecting money or moveable property to be registered in "the General Register" of the District in which Assurance is made.*

said Indexes, in such manner as the Chief Registrar of such Presidency or place may direct, and the said books or parcels shall be called "The General Register." Any such Assurance may also be registered in manner aforesaid in the Register Office of any other District where any other Assurance affecting the same money or moveable property is registered.

**XVI. All Assurances executed after the commencement of Registration under this Act, by which any lands in the said Territories and also money or moveable property may be affected at Law or in Equity, shall be registered as hereinbefore mentioned in "the Register of Title Deeds relating to Lands," unless such lands are so affected by way of lease or agreement for lease only, in which case such Assurances shall be registered as hereinbefore mentioned in "the General Register," and all such Assurances registered in "the General Register of Title Deeds relating to Lands" shall be indexed as hereinafter provided by Section L. of this Act.**

*When Assurances affect both lands and money.*

**XVII. Every Assurance registered as herein-mentioned shall be marked by the District Registrar of the Office in which the same is registered, with the day and time of the day when the same was deposited as aforesaid.**

**XVIII. Where there are duplicate original Assurances and one duplicate thereof is duly stamped, the other duplicate shall be exempted from stamp duty if registered under this Act; but the Registrar, before he registers any unstamped Assurance, shall satisfy himself that the duplicate thereof is duly stamped, and all memorials and copies to be registered pursuant to this Act, and all copies and extracts of or from any of the documents to be deposited in the Register Office, and all extracts from any of the Indexes to be kept at the Register Office, and all certificates of the result of searches in the said Indexes, and all requisitions for such copies, extracts and searches respectively, shall be exempt from stamp duty.**

**XIX. Every person who deposits an Assurance for Registration as aforesaid shall be entitled to receive from the Registrar of the Office in which the same is deposited, a receipt acknowledging such deposit and the day and time of the day when it was made, the date of the Assurance, the names of the parties thereto, and the entries in the proper Index or Indexes in which the same has been indexed. The Government of each Presidency or place shall furnish each District Registrar therein with receipt books for this purpose, and the receipts therein shall be according to the forms in Schedule (A.) to this Act annexed, or to the like effect, as the case may be, and every such receipt and the counterfoil thereof shall be numbered in order from the beginning to the end of the book, each receipt and the counterfoil thereof bearing the same number, and the Registrar shall sign both the receipt and the counterfoil thereof, and shall cut off and deliver to the depositor the counterfoil receipt on the right hand of the said receipt book, retaining the other receipt in the book for reference in the Office.**

*Receipts to be given for Assurances deposited.*

**XX. All Assurances executed after the commencement of Registration under this Act, and mentioned and described in Sections XIII. and XIV. shall be registered in the Register of Title Deeds relating to Lands, or in "the Register of Leases," as the case may be, of the District in which the lands are situate, and in the Registers of no other Districts, and every Assurance not affecting lands but only money or moveable property shall be registered in "the General Register" of the District in which such Assurance is made, and also, if the parties think fit, in "the General Register" of any other District where any other Assurance affecting the same money or moveable property is registered.**

Deeds to be registered only in the District where lands affected thereby are situate. In the case of moveable property in the District where Assurance is made.

Deeds to be registered only in the District where lands affected thereby are situate. In the case of moveable property in the District where Assurance is made.

**XXI. Every decree or order of any Court made after the commencement of Registration under this Act, whereby any estate or interest in lands in the said Territories is created, declared, transferred, or otherwise affected, and also every decree or order of any Court, made after such commencement, by which any suit, decree, or order as aforesaid is varied or reversed, shall for the purposes of this Act be considered an Assurance affecting such lands, and may be registered as aforesaid in "the Register of Title Deeds relating to Lands" or in "the Register of Leases," as the case may be, of the District in which such lands are situate, and in every such case the document to be deposited shall be a memorial of the decree or order, which memorial shall express the date of the decree or order, and the title of the cause wherein the same purports to be made, and shall also set forth the decree, or order, or so much thereof as relates to the estate or interest created, declared, transferred, or affected by the decree or order to be registered, or by the decree or order which is varied or reversed by the decree or order to be registered (as the case may be), and every such memorial as aforesaid shall, previously to the same being deposited in the Register Office, be examined with the decree or order by the Registrar or by some Clerk authorized to give out an office copy of such decree or order, and shall be certified by the signature of such Registrar or Clerk, and every such Registrar or Clerk is hereby required to examine any such memorial and to certify the same by his signature, at the request of any person upon being paid the sum of one rupee and eight annas.**

Decrees affecting lands may be registered.

Decrees affecting lands may be registered.

**XXII. Every decree or order of any Court, made after the commencement of Registration under this Act, whereby any right or interest in money or moveable property only is created, declared, transferred, or otherwise affected, and also every decree or order of any Court, made after such commencement, by which any such decree or order as aforesaid is varied or reversed, shall, for the purposes of this Act, be considered an Assurance, and may be registered as aforesaid in "the General Register" of the District in which such Court is situate, and, if the party registering such decree shall think fit, in "the General Register" of any other District where any other Assurance affecting the same money or moveable property is registered, and in every such case the document deposited shall be a memorial of the decree or order, which shall be in such form, and shall contain the same particulars as are required by the last Section with respect to memorials of decrees affecting**

Decrees affecting moveable property may be registered.

Decrees affecting moveable property may be registered.

lands, and every such memorial as aforesaid shall be examined by such persons, and in such manner, and upon payment of such charge, as is provided by the last Section.

**XXIII. Any person claiming any interest under any equitable mortgage affecting any lands in the said Territories, made by deposit of Title Deeds, after the commencement of Registration under this Act, may register in the Register Office of the District in which such lands are situate, a memorandum containing a description of the lands and the names of persons by and with whom respectively the Title Deeds are deposited, and expressing the principal sum of money secured by such equitable mortgage, or, in case the total amount of the principal money secured or to be ultimately recoverable upon such equitable mortgage, be limited not to exceed a given sum, the total amount of such money, or, in case the money secured by such equitable mortgage be without any limit, that the money secured by such equitable mortgage is unlimited, and, in every such case, the memorandum to be so registered shall, for the purposes of this Act, be considered an Assurance affecting such lands, and shall be registered in "the Register of Title Deeds relating to Lands."**

Equitable mortgage by deposit of deeds may be registered.

Equitable mortgage by deposit of deeds may be registered.

**XXIV. Where by reason of the non-payment of purchase-money a vendor has, after the commencement of Registration under this Act, acquired a lien for such purchase-money on any lands in the said Territories, any person claiming an interest in such lien may register a memorandum containing such particulars of the conveyance by the vendor as are sufficient to identify the same, and also containing a description of the lands, and expressing the amount of the money for which a lien is claimed, and in every such case the memorandum to be so registered shall, for the purposes of this Act, be considered an Assurance affecting such lands, and shall be registered in "the Register of Title Deeds relating to Lands" of the District in which such lands are situate.**

Lien by reason of non-payment of purchase-money may be registered by depositing a memorandum.

Lien by reason of non-payment of purchase-money may be registered by depositing a memorandum.

**XXV. In the several cases provided for by the four immediately preceding Sections, the Assurance to be registered shall, for the purposes of this Act, be considered to have been made by the person whose right or interest in the lands or property shall be bound or affected by the decree or order, the equitable mortgage, or the lien (as the case may be) and subject to the Regulations to be made under this Act, the same entry or entries shall be made on registering such Assurances as would have been required if the lands or property affected by the decree or order, the equitable mortgage, or the lien (as the case may be) had been so affected by the grant, conveyance, or assignment of such person.**

The Assurance to be considered to have been made by the person whose right, &c., in the lands, &c., shall be bound by the decree, &c.

The Assurance to be considered to have been made by the person whose right, &c., in the lands, &c., shall be bound by the decree, &c.

**XXVI. Any Will by which lands in the said Territories may be affected at Law or in Equity, where the testator dies after the commencement of Registration under this Act, may be registered by the deposit of the original Will, or (where there are duplicate original Wills) of one of the duplicate original Wills in the Register Office of the District in which such lands are situate, and any Will by which only money or**

Registration of Wills.

Registration of Wills.

moveable property is affected, where the testator dies as aforesaid, may be registered by the deposit of the original Will, or (where there are duplicate original Wills) of one of the duplicate original Wills, in the Register Office of the District in which the testator died; or if any such Will as aforesaid be proved, or Letters of Administration with such Will annexed be granted in any Court in the said Territories having jurisdiction for the Probate of Wills, and such Will be deposited in such Court, the same may be registered under this Act by the deposit in the proper Register Office as aforesaid of a memorial of such Will, mentioning the name of the testator with his addition (if any) as set forth in the Will, and the Court in which, and the time when, such Will was proved or such Letters of Administration granted, or by the deposit in such Office of an office or authenticated copy of the Will duly certified by the Registrar or other Chief Officer of the Court in which such Will was proved or Letters of Administration granted; or if such Will be proved, or Letters of Administration with such Will annexed be granted in any Court having jurisdiction for the Probate of Wills in the United Kingdom, or elsewhere out of the said Territories, such Will may be registered under this Act by the deposit in the proper Register Office as aforesaid of a copy of the same; and the copy to be so deposited shall, where there is any Officer authorized to give out an office or authenticated copy from the office or place of deposit of such Will, be an office or authenticated copy duly certified by such Officer, and all such Wills or Memorials by which lands in the said Territories are affected at Law or in Equity shall be considered as Assurances affecting such lands within the meaning of this Act, and may be registered as hereinbefore mentioned in "the Register of Title Deeds relating to Lands" and all such Wills or Memorials by which only money or moveable property is affected at Law or in Equity, shall also be deemed Assurances, and shall be registered in "the General Register."

XXVII. Where any person, having power to affect by Will lands money, or moveable property in the said Territories, dies after the commencement of Registration under this Act, intestate, Letters of Administration or Certificates granted under Act XX. of 1841, in respect of the estate and effects of such person, may be registered under this Act by the deposit in the Register Office of an office extract of such Letters or Certificates, and any person who claims as heir, representative, or otherwise any estate, property, or interest in such lands, money, or moveable property which might have been defeated or affected by the Will of any person dying after the commencement of Registration under this Act, and believes such person to have died intestate, or intestate as to such lands, money, or moveable property, may make and register an Affidavit, hereinafter referred to as an Affidavit of intestacy, stating that the deponent claims such estate or interest, and stating the time of the death of such deceased person, and that the deponent believes that such deceased person died without a Will, or without any Will other than any Will in such affidavit mentioned; and all such Letters of Administration, Certificates, Extracts, and Affidavits relating to or in any way affecting any lands shall be deemed Assurances within the meaning of this Act, and shall be deposited and registered as

hereinbefore directed in "the Register of Title Deeds relating to Lands" of the District in which such lands are situate, and all such Letters of Administration, Certificates, Extracts and Affidavits, relating to or affecting only money or moveable property, shall also be deemed Assurances within the meaning of this Act, and shall be registered as hereinbefore directed in "the General Register" of the District where such deceased person as aforesaid died.

XXVIII. Every written authority given by Authority to any husband to a wife to adopt a son may after his decease any son, such authority being so given after the commencement of Registration under this Act, may be registered by the deposit of the original authority, or (where there are duplicate original authorities) of one of the duplicate original authorities, and every such written authority shall be deemed an Assurance. Where any estate or interest in land may be affected by virtue of such adoption, the written authority shall be registered as hereinbefore mentioned in "the Register of Title Deeds relating to Lands" of the District in which the lands are situate, and where only interests in money or moveable property may be affected by such adoption, such written authority shall be registered as hereinbefore mentioned in "the General Register" of the District in which such husband died.

XXIX. Where the original document or (if there be duplicates) the several original documents is or are destroyed or lost, a copy of or (in cases where no copy is known to exist) an extract from the original document, or of or from any one of the duplicate original documents, may, on registering the Assurance, be deposited in the Register Office in lieu of an original document, and thereupon the Registration of the Assurance shall (so far as respects depositing a document) be as valid and effectual as if an original document had been deposited in the Register Office; provided always, that in every such case an Affidavit of the destruction or loss of the original document, or (if there have been duplicate originals) of the destruction or loss of the several original documents, and (where an extract only is deposited) of the non-existence, to the best of the deponent's belief, of any copy of the original document or of any one of the original documents (as the case may be) shall be brought to the Register Office with the said copy or extract to be deposited as aforesaid, and shall be deposited together with the same in the Register Office. Provided always, that in the case of a copy or extract, the Registration of an Assurance shall be effectual only so far as such copy or extract extends, and so far as the same substantially and in material respects agrees with the original document.

XXX. Where any order or rule is made by any Judge or Court as herein-after mentioned respecting the delivery or sending of any document, or copy, or extract, at or to a Register Office for the purpose of being registered, and the same is not delivered or sent within such time as by such order or rule may be limited in that behalf, such order or rule may be registered in the Register Office, and the registration



thereof shall be of the like force and effect as the registration of such document, copy, or extract.

**XXXI.** Every petition for adjudication of Insolvency in the said Territories filed of record after the commencement of Registration under this Act, may be registered under this Act by the deposit in the Register Office of a memorandum, mentioning the Court in which, and the time when, such petition was filed, and the name and place of residence or business of the person against whom such petition is presented, as the same are set forth in the petition, and by the entry hereinafter required being made in the proper Index to be kept in the Register Office; and every appointment or choice of Assignee of any Insolvent in the said Territories made after such commencement, may be registered under this Act by the deposit in the Register Office of the District in which such Assignees are appointed of an office copy of the Certificate of such appointment or choice, and by the entry hereinafter required being made in the said Index; and all such memoranda and copies as aforesaid shall be deemed Assurances within the meaning of this Act. Where any lands may be affected at Law or in Equity by such adjudication or appointment as aforesaid, the same shall be registered as hereinbefore mentioned in "the Register of Title Deeds relating to Lands" of the District in which such lands are situate; and where only money or moveable property may be affected at Law or in Equity by such adjudication or appointment, the same shall be registered in "the General Register" of the District in which such petition is to be adjudicated.

**XXXII.** Where by virtue of any venting or other order made after the commencement of Registration under this Act by any Court, Commissioner, or Judge in the said Territories having jurisdiction in that behalf,—or of any nomination, appointment, or choice of any Official or other Assignee made after such commencement by such Court, Commissioner, or Judge, or by the Creditors of any Insolvent Debtor,—the Estate and Effects of any Insolvent Debtor become vested in any such Assignee, every such order, nomination, appointment, or choice, may be registered under this Act by the deposit in the Register Office of an office or authenticated copy or certificate of such order, nomination, appointment, or choice, and by the entry hereinafter required being made in the proper Index in the Register Office; and all such copies and certificates shall be deemed Assurances within the meaning of this Act; and where any lands may be affected at Law or in Equity by such order, nomination, appointment, or choice, the same shall be registered in "the Register of Title Deeds relating to Lands" of the District where such lands are situate; and where only money or moveable property may be affected at Law or in Equity by such order, nomination, appointment, or choice, the same shall be registered in "the General Register" of the District in which such order, nomination, appointment, or choice is made.

**XXXIII.** All requisitions for Inhibitions against alienation hereinafter mentioned, and the respective Affidavits delivered therewith, and all Covenants hereinafter mentioned, affecting

any lands at Law or in Equity, shall be considered Assurances within the meaning of this Act, and may be registered by the deposit thereof in "the Register of Title Deeds relating to Lands" of the District in which such lands are situate; and all requisitions for Inhibitions against alienation and the respective Affidavits delivered therewith, and all Covenants, affecting only money or moveable property, shall also be deemed Assurances, and may be registered by the deposit thereof in "the General Register" of the district in which the Assurance sought to be affected by any use, trust, or confidence mentioned in such requisition, or by any such Covenant, is or is about to be registered; and all such Affidavits delivered with such requisitions for Inhibitions shall be numbered in the respective Registers with the same number as the requisitions.

**XXXIV.** None of the provisions of this Act shall extend to such Assurances relating to shares in any public or private works or undertaking of any Corporation, Company, or Society, as by virtue of any local or other Act, are required to be registered, or otherwise entered or minuted in the books of the Corporation, Company, or Society.

**XXXV.** None of the provisions of this Act shall be construed to extend to bills of Exchange or Promissory Notes.

**XXXVI.** There shall be provided and kept in each District Register Office in the said Territories, four Indexes of "the Register of Title Deeds relating to Lands," to be respectively intitled, the Index of Titles, the Index of the Names of Grantors, the Index of Testators and Intestates, and the Index to Insolvents; and the said four Indexes shall respectively be made and kept as next hereinafter mentioned.

**XXXVII.** All Assurances to be registered under this Act, by which any lands may be affected as aforesaid, shall be indexed in "the Index of Titles" to the "Register of Title Deeds relating to lands," under heads to be respectively designated by numbers or names of Villages or Mahals or otherwise, as the Registrar may think fit; and every entry in the said Index shall express the year and the day of the month when the same is made, and the book or parcel in which the document deposited in the Register Office is made up, and the number of such document in such book or parcel, and such other particulars as under any Regulations to be made as hereinafter mentioned may be directed.

**XXXVIII.** "The Index of the names of Grantors" to "the Register of Title Deeds relating to lands," shall be an alphabetical index of the names of such Grantors, and, save where otherwise provided by the regulations to be made under this Act, the name of the Grantor in the Assurance, with his addition (if any) as set forth therein, shall be entered in the Index of the names of Grantors for the district, and an entry shall be made opposite to the name so entered, which entry shall contain a reference to the head under which such Assurance is indexed in the Index of Titles, and where the lands affected by the Assurance are situate in more than one district, like entries shall be made in the Index of the names of Grantors for each such district.

## XXXIX. "The Index of Testators and Intestates"

The "index of testators and intestates" to "the register of title deeds relating to lands."

"The Index of Testators and Intestates" to "the Register of Title Deeds relating to lands" shall be an alphabetical index of such testators and intestates, and where any will, letters of administration, certificate, or affidavit of intestacy is or are registered under this Act, an entry of the name of the testator or intestate, with his addition, if any, as set forth in the will, letters of administration, certificate or affidavit, shall be made in such index, and opposite to the name of every testator or intestate, whose name is so entered, an entry shall be made, expressing the year and day of the month when such entry is made, and the nature of the document deposited, and the book or parcel in which the will, memorial, copy, office extract of letters of administration, or certificate, or affidavit, is made up, and the number thereof in such book or parcel, and such other particulars as under any Regulations to be made as hereinafter mentioned may be directed.

## XL. "The Index to Insolvents" to "the Register of Title Deeds relating to lands"

"The index of insolvents" to "the register of title deeds relating to lands."

"The Index to Insolvents" to "the Register of Title Deeds relating to lands" shall be an alphabetical index of such Insolvents, and where any petition for adjudication of Insolvency, appointment, or choice of Assignees, or any vesting or other order or nomination in any Insolvency, is registered under this Act, an entry of the name of the person against whom the petition is presented, or of the Insolvent, with the addition (if any) of such person or insolvent as set forth in the memorandum, copy, or certificate deposited as aforesaid, shall be made in the said Index to Insolvents; and opposite to the name of every Insolvent whose name is so entered an entry shall be made, expressing the year and day of the month when the same entry is made, and the book or parcel in which the said memorandum, copy, or certificate has been made up, and the number of the same in such book or parcel, and such other particulars as under any regulation to be made as hereinafter mentioned may be directed.

## XLI. The Government of each Presidency or place may cause to be provided

Maps may be made or adopted by Government &c., "land index" formed with reference to such maps.

for the several districts therein, such Maps as they may approve and deem sufficient for the purposes of registration under this Act, and for providing such Maps may cause to be made or adopted copies, with such additions, omissions, or variations, as they may think fit, of such of the Maps made for the Revenue Survey, or by the Trigonometrical Survey, or of such other existing Maps as they may think sufficient, or may cause, in any case, new Maps to be made for the whole or part of any district; and the Maps to be provided or adopted as aforesaid shall be deposited and kept in the respective District Register Offices, and shall be used for the purposes of this Act; and the Chief Registrar of each Presidency or place respectively, with the consent of the Government thereof, shall cause to be made for each district an Index or Indexes, in such form as he may approve, of the several lands in the district, having reference to the Map or Maps thereof to be used for the purposes of this Act, and shall make provisions and Regulations for insertion from time to time, in the Indexes for the several districts, of the names or short descriptions of the Villages

or other estates of whatever tenure therein respectively as cannot be conveniently indicated by reference to such Maps; and the Index or Indexes so to be made for each district shall be deposited and kept in the district Register Office, and shall be "the Land Index" of such District for the purposes of this Act; and from and after the period when such Maps are provided, and such Index or Indexes having reference thereto are made as aforesaid in any district, it shall and may be lawful for the Chief Registrar of each Presidency or Place (with the consent of the Government thereof), in his discretion, to make regulations for the discontinuance in such district of "the Index of Titles" to "the Register of Title Deeds relating to lands."

## XLII. In districts where a Land Index is

Entries made in "the land index" to contain references to "the index of titles," if the latter Index is continued.

made and an Index of Titles is also continued, if an entry of an Assurance is made in the Index of Titles, an entry shall be made in "the Land Index" for the same district, opposite to the name or number of such land, which entry in the Land Index shall contain a reference to the entry in the Index of Titles, and the said Land Index shall contain such other particulars as under any Regulations to be made as hereinafter mentioned may be directed.

## XLIII. There shall be provided and kept in

Two Indexes to be kept of "the Register of Leases."

each District Register Office in the said Territories, two Indexes of "the Register of Leases," to be respectively intitled "the Index of Titles" and "the Index of Leases," and the said two Indexes shall respectively be made and kept as next hereinafter mentioned.

## XLIV. All Leases or agreements for Leases,

"Index of Titles" or other Assurances by which to "the Register of Leases."

such Leases or Agreements shall be assigned or affected, shall be Indexed in "the Index of Titles" to "the Register of Leases," under heads, to be respectively designated by numbers, or names of Villages, or Estates, or otherwise as the District Registrar may think fit, or as may be directed by the Regulations hereinafter mentioned; and every entry in such Index shall express the year and day of the month when the same is made, and the book or parcel in which the document deposited in the Register Office is made up, and the number of such document in such book or parcel, and such other particulars as under any Regulations to be made as hereinafter mentioned may be directed.

## XLV. "The Index of the names of Lessors"

"Index of the names of Lessors" to "the Register of Leases."

shall be an alphabetical Index of the names of such Lessors, and the name of the Lessor in the Lease or assignment, with his addition, if any, as set forth therein, shall be entered in such Index, and an entry shall be made, opposite to the name to be so entered, which entry shall contain a reference to the head under which such Lease is indexed in the Index of Titles, and such other particulars as under any Regulation to be made as hereinafter mentioned may be directed; and when the lands affected by such Lease are situate in more than one district, like entries shall be made in the Index of each such district.

## XLVI. There shall be provided and kept in

Three indexes to be kept of the General Register.

each District Register Office in the said Territories, three Indexes of "the General Register," to

be respectively intitled, the Index of the names of Grantors, the Index to Testators and Intestates, and the Index to Insolvents, and the said three Indexes shall respectively be made and kept as next hereinafter mentioned.

**XLVII.** The "Index of the names of Grantors" to "the General Register," shall be an alphabetical Index of such Grantors, and, save where otherwise provided by the Regulations to be made under this Act, shall be made and kept in the manner and form hereinbefore provided for the making and keeping of the "Index of the names of Grantors," to "the Register of Title Deeds relating to lands" or as near thereto as circumstances will permit, and shall contain such other particulars as under any Regulation to be made as hereinafter mentioned shall be directed.

**XLVIII.** "The Index of Testators and Intestates" to "the General Register" shall be an alphabetical Index of such Testators and Intestates, and, save where otherwise provided by the Regulations to be made under this Act, shall be made and kept in the manner and form hereinbefore provided for the making and keeping of "the Index of Testators and Intestates" to "the Register of Title Deeds relating to lands," or as near thereto as circumstances will admit, and shall contain such other particulars as under any Regulation to be made as hereinafter mentioned shall be directed.

**XLIX.** "The Index of Insolvents" to "the General Register," shall be an alphabetical Index of such Insolvents, and, save where otherwise provided by the Regulations to be made under this Act, shall be made and kept in the manner and form hereinbefore provided for the making and keeping of "the Index of Insolvents" to "the Register of Title Deeds relating to lands," or as near thereto as circumstances will admit, and shall contain such other particulars as under any Regulation to be made as hereinafter mentioned shall be directed.

**L.** All Assurances by which any lands and also money or moveable property are affected, and registered in "the Register of Title Deeds relating to lands," according to Section XVI. of this Act, shall be indexed in the proper Indexes to "the General Register," as well as in the proper Indexes of the "Register of Title Deeds relating to lands."

**LI.** On the registration of any Assurance made by an heir at law or other person, by way of confirmation of a Will which has been registered under this Act, or of any appointment of new Trustees under any such Will, or of any release or assurance of any lands or charges on lands comprised in or affected by any such will, which, in the opinion of the Registrar, may be conveniently indexed with reference to such Will, the Registrar may cause to be entered in "the Index to Testators and Intestates," opposite to or in connexion with the entry in relation to such Will, a reference to the head or entry under which such Assurance, appointment, or release is entered in the Index of Titles.

**LII.** Each District Registrar shall cause the entries required to be made on registering or indexing any Assurance under this Act to be made immediately after the Assurance is received at the Register Office, and no Assurance shall be deemed registered under this Act unless and until all the entries required under this Act in respect of such Assurance have been duly made; provided that when, upon the registration under this Act of an Assurance affecting lands, all the entries which would be required for such registration have been duly made with respect to part only of the lands affected thereby, such Assurance shall, as to the lands with respect to which such entries have been so made, but not as to the residue of the lands affected by such Assurance, be deemed duly registered under this Act.

**LIII.** Any person having an interest in any lands, money, or moveable property in the said Territories, under any Assurance by this Act authorized to be registered, which has not been registered, may require any person in possession of the original document, or, (where the original document or the several original documents is or are lost) a copy of, or (in cases where no copy is known to exist) an extract from the original document, or of or from any of the original documents, to deliver or send the same at or to the proper Register Office, for the purpose of its being registered; and in case the person in whose possession the same shall be refuse so to do, it shall be lawful for any Judge of any Court of Civil Judicature, upon a summary application, to make such order respecting the delivery or sending of such document, or copy, or extract as aforesaid at or to the proper Register Office for the purpose aforesaid as to such Judge, in the exercise of his discretion, shall, under the circumstances, of the case, appear proper: and on non-compliance with any such order or rule the same may be registered as in Section XXX. hereinbefore mentioned. Provided always, that this enactment shall not authorize any person to require or enforce the registration of any Assurance, or copy, or extract of an Assurance, affecting lands at Law or in Equity, in case any Agreement or Provision has been made for the non-registration of such Assurance by him, or by any person from or through whom he derives an interest under such Assurance.

**LIV.** It shall be lawful for the Judge, to whom any such application is made, to make such order respecting the costs of such application, and the costs incidental thereto, and the costs of registration, as to such Judge shall seem proper; and it shall also be lawful for such Judge, if he think fit, to order that an office copy of the original document, copy, or extract to be delivered or sent as aforesaid, shall be furnished to the party by whom the same shall be so delivered or sent, at the expense of the party by whom the application is made.

**LV.** Provided always, that where any Judge of Her Majesty's Courts or of the Courts of Sudder Adawlut makes or refuses to make any such order as aforesaid, application may be made to

Appeals from such orders.



the whole Court of which he is a Judge to rescind or vary such order, or to make such order as the case may require, and such Court shall hear and determine the matter of such application; and where any Judge of a Small Cause Court makes or refuses to make any such order, application may be made to Her Majesty's Court having jurisdiction in the Town where such Small Cause Court is situate; and where any other Judge makes or refuses to make any such order, application may be made to the Sudder Adawlut of the Presidency in which such Judge has jurisdiction, to rescind or vary such order, or to make such order as the case may require, and the said Courts of Her Majesty and Sudder Adawlut, as the case may be, shall respectively hear and determine the matter of such application.

**LVI.** Every Assurance by this Act authorized to be registered, other than a Will, decree, or order, shall (so far as regards any lands in the said Territories to be affected thereby) be void as against any person claiming for valuable consideration under any subsequent Assurance duly registered, unless the prior Assurance have been registered in the manner directed by this Act before the registration of the subsequent Assurance.

**LVII.** Where any equitable mortgage affecting lands in the said Territories is made by the deposit of Title Deeds after such commencement of Registration, and where, by reason of the non-payment of purchase-money, a vendor has, at any time after such commencement of Registration, acquired a lien for such purchase-money on any lands in the said Territories, such equitable mortgage and lien respectively shall be void as against any person claiming for valuable consideration under any subsequent Assurance duly registered, unless, in the respective case of such equitable mortgage and lien, such Memorandum, as is hereinbefore in such respective cases authorized to be registered, be registered in the manner required by this Act before the registration of the subsequent Assurance.

**LVIII.** Where any Will, Letters of Administration, Certificate, or Affidavit of Intestacy, authorized to be registered under this Act, has or have been duly registered, every other Will authorized to be registered under this Act, made by the person by whom such first-mentioned Will was made, or in respect of whose Estate and Effects such Letters of Administration or Certificate were granted, or with respect to whose Intestacy or alleged Intestacy such Affidavit was made, shall, so far as regards any lands in the said Territories, be void as against any person claiming for valuable consideration under any Assurance duly registered under this Act, made after the death of the Testator by any person claiming immediately or derivatively under such first-mentioned Will, or such Letters of Administration or Certificate, or by any other person by whom such Assurance might, have been made if such other Will as aforesaid had not been executed, unless such other Will be registered before the registration of such Assu-

rance or such first mentioned Will, Letters of Administration, Certificate or Affidavit. Provided always, that every Will registered within two years after the death of the testator, shall be as valid and effectual as if the same had been registered immediately after the death of the testator: Provided also, that if, by reason of the concealment, suppression, or contesting of any Will, or other inevitable difficulty, any person interested thereunder be disabled from registering the same within such two years, and such person, or any person on his behalf, within such last-mentioned period, make and register, in manner herein directed, an Affidavit, stating the name and addition of the testator, the date of his death, and the impediment to the registration of such Will which may be existing at the time of making such Affidavit, then and in such case the registration of such Will in manner directed by this Act, within six calendar months next after all impediments to the Registration thereof are removed, shall, unless before such registration the registration of such Affidavit be cancelled under the provision hereinafter contained, be as valid and effectual as if the same had been registered immediately after the death of the testator; and such Affidavit as aforesaid shall be deposited in the Register Office, and shall be made up and numbered in like manner as hereinbefore directed concerning registered Wills, and the like entries shall be made in relation to such Affidavit in the "Index to Testators and Intestates" as in the case of a registered Will, save that in describing the document deposited, the same shall be called an Affidavit of a Will: Provided always, that where an Affidavit of a Will is registered under the provision lastly hereinbefore contained, it shall be lawful for the Court of Civil Judicature of the district in the Register Office of which the same is registered, upon the application, by motion or petition in a summary way, without bill or plaint filed, of any person claiming as Heir, Executor, Administrator, Representative, or otherwise any estate or interest in lands, money, or moveable property in the said Territories which might have been defeated or affected by the Will of the person in respect of whose Will or alleged Will such affidavit is made, in case it appear to the said Court that such affidavit was made and registered without due cause, or that the cause for making and registering the same has ceased, or otherwise that the registration of such affidavit should be cancelled, to order such cancellation accordingly; and it shall be lawful for such Court on any such application to award such costs, and generally to make such order in relation to the premises, as to such Court may seem fit, and the Registrar shall, where such Court orders such registration to be cancelled, cancel the entries in the Index in relation to such affidavit.

**LIX.** Where the first vesting or other order, or nomination, appointment, or choice of any Assignees in any Insolvency, under which the estate and effects of the Insolvent becomes vested in any Assignees or Trustee under the Insolvency, is made after the commencement of registration under this Act, such Insolvency, or any vesting or other order, nomination, appoint-

Registration of Will within two years after Testator's death effectual.

If concealment of Will contested, party interested may register an affidavit as to Will.

Court may order Registration of Affidavit of a Will to be cancelled.

Assurances affecting lands authorized to be registered to be void as against purchasers unless registered.

Equitable mortgage by deposit of Deeds, and lien for purchase-money, to be void as against purchasers, unless Memorandum registered.

Un-registered Will to be void against purchaser from persons entitled under a registered Will, or, in default of a Will, where Letters of Administration or Affidavit of Intestacy registered.

Purchaser's protected against Insolvency, unless appointment of Assignees, &c., be registered.

ment, or choice of Assignees thereunder, shall not, as against any person claiming for valuable consideration under any Assurance duly registered under this Act, made by the Insolvent or any other person by whom the same might have been made if such Insolvency had not happened, invalidate or affect such Assurance, so far as regards any lands in the said Territories, unless some such vesting or other order, or nomination, appointment, or choice of Assignees, as is authorized to be registered under this Act, be duly registered before the registration of such Assurance as aforesaid, or within one calendar month after the date of the order, nomination, appointment, or choice under which the estate and effects of the Insolvent have become vested in any Assignee or Trustee under the Insolvency.

**LX.** No Assurance by an Insolvent affecting lands in the said Territories executed after the commencement of registration as aforesaid, and duly registered under this Act before the advertisement in the Government Gazette of an adjudication of Insolvency, shall, as against any person claiming under such Assurance for valuable consideration and without fraud, be invalidated, so far as regards any lands in the said Territories, by reason of such adjudication, or of the Act of Insolvency on which such adjudication is founded, or of any other act of insolvency, unless the petition for adjudication have been filed of record or presented after the commencement of Registration under this Act, or have been duly registered under this Act before the registration of such Assurance.

**LXI.** The priority given by the provisions hereinbefore contained to any person claiming for valuable consideration under a registered Assurance shall not, as respects any person so claiming without fraud, be taken away by any Court in consequence of such person having been affected with notice; and where, under the provisions hereinbefore contained, priority is given to any person claiming for valuable consideration under a registered Assurance an equitable estate or interest, such priority shall, in favor of any person so claiming without fraud, be enforced in Equity, although the person so claiming under such registered Assurance has been affected with notice.

**LXII.** Where any estate or interest in lands in the said Territories is vested in any person under any Assurance registered under this Act, no purchaser for valuable consideration, without fraud, claiming under any Assurance made by the person in whom such estate or interest is so vested, shall be affected or bound by reason of notice of any use, trust, or confidence declared or created after the commencement of Registration under this Act, and affecting such estate or interest, unless such use, trust or confidence be manifested or proved by such first-mentioned Assurance, or some other Assurance duly registered under this Act, before the registration of the Assurance under which such purchaser so claims; and where, in any Assurance registered under this Act, any use, trust, or confidence affecting any estate

or interest in lands in the said Territories vested in any person under any Assurance registered under this Act, is declared or created by reference to and depends for its validity or for the terms thereof upon some other Assurance executed after the commencement of Registration under this Act, no purchaser for valuable consideration, without fraud, claiming under any Assurance made by the person in whom such estate or interest is so vested, shall be affected by such use, trust, or confidence, unless the Assurance, by reference to which such use, trust, or confidence is so declared or created, be registered under this Act before the registration of the Assurance under which such purchaser so claims.

**LXIII.** Where any two or more Assurances are registered under this Act at the same time, such Assurances shall have priority according to the order of time in which the same shall have been executed.

**LXIV.** Every person who shall claim without valuable consideration, under any person who shall have claimed for valuable consideration, shall be entitled to the same preference, protection, and advantage under the provisions of this Act as the person who shall have so claimed for valuable consideration.

**LXV.** In any case in which priority or protection might but for this Act have been given or allowed in Equity to any estate or interest in lands, by reason or on the ground of such estate or interest being protected by or tacked to any legal or other estate or interest in such lands, no such priority or protection shall, after the commencement of Registration under this Act, be so given or allowed to any estate or interest in lands in the said Territories, except as against any estate or interest which shall have existed prior to such commencement; and full effect shall be given in every Court of Equity to this present provision, although the party claiming such priority or protection as aforesaid shall claim as a purchaser for valuable consideration and without notice.

**LXVI.** No Assurance affecting lands which would (so far as this present enactment does not operate) have the effect at any time of merging or extinguishing any term of years or other particular estate, or of releasing or extinguishing any charge or any part thereof, or any interest therein, shall have such effect as against any person claiming for valuable consideration under any subsequent Assurance duly registered, whereby such term of years or other particular estate or such charge or interest is assigned or otherwise affected unless before the registration of such subsequent Assurance an entry of the Assurance which would have the effect of merging, releasing or extinguishing such term of years or other particular estate, or charge or interest or part respectively, be made in the Index of Titles in which an Assurance of such term of years or other particular estate, or charge or interest, if the same were subsisting, ought, under the provisions of this Act, to be indexed or entered.

Protection of purchasers against subsequent adjudication in Insolvency where the petition is not registered.

Assurances registered at the same time to have priority according to the time of execution.

The protection of the Act to extend to persons who claim under purchasers for value.

Protection by legal estate and tacking not to be allowed.

The priority given by the preceding clauses to be enforced in equity notwithstanding Notice.

Purchaser for valuable consideration not to be affected by notice of uses or trusts not manifested by a registered Assurance, nor by uses or trusts declared by reference to an unregistered Assurance.

An Assurance which would have the effect of merging any interest not to have such effect as against a subsequent purchaser of such interest, unless an entry be made to lead such purchaser to the Assurance.

**LXVII.** Nothing in this Act contained shall be construed so as to render the registration of such leases or agreements for leases as in Section XIV. mentioned, or any Assurance by which any such lease or agreement shall be assigned or otherwise affected, compulsory or necessary; or to give any such leases, agreements, or assignments as aforesaid, when registered, any priority over other leases or Assurances.

**LXVIII.** All Assurances affecting only money or moveable property (except Wills, Decrees and Orders) shall be utterly void and of none effect unless registered within six months after the execution thereof by the party who conveys, assures, transfers, assigns or appoints thereby, or unless a caveat respecting such Assurance be registered within six months after such execution, and such caveat continue in force, or unless a caveat respecting such Assurance be registered as aforesaid, and after such caveat ceases to be in force, such Assurance be registered within six months after such execution, the time during which such caveat is registered and in force being deducted in the calculation of such six months. Provided always, that every such Assurance as aforesaid affecting money or moveable property registered within six months after the execution thereof as aforesaid, or registered after a caveat has been duly registered as aforesaid, and before such caveat ceases to be in force, or registered after such caveat ceases to be in force, but within six months after such execution as aforesaid (the time during which such caveat was registered and in force being deducted in the calculation of such six months,) shall be as valid and effectual as if the same had been registered immediately after such execution. All Wills, affecting only money or moveable property either at Law or in Equity, shall be wholly void and of none effect unless registered within two years after the death of the Testator, but if registered within that time, shall be as valid and effectual as if the same had been registered immediately after the death of the Testator, and if by reason of the concealment, suppression, or contesting of any Will, or other inevitable difficulty, any person interested thereunder be disabled from registering the same within such two years, then such Affidavit of a Will as hereinbefore in Section LVIII. mentioned, or to the like effect, so far as circumstances will admit shall be made and registered by such person, and the said Courts shall have the like power and authority to order the registration or cancellation of such Affidavits of Wills as are hereinbefore given and conferred by the said Section LVIII. with respect to the Affidavits of Wills affecting lands.

**LXIX.** Where any person is interested under any use, trust, or confidence, declared or created after the commencement of registration under this Act, and affecting any estate or interest in lands, money or moveable property in the said Territories, which is vested in any person under any Assurance registered under this Act, and such use, trust or confidence is not manifested or proved by any Assurance, registered under this Act, or is, in any Assurance registered under this Act, declared and created by reference to and depends for its validity or for the terms thereof upon some other Assurance not registered un-

der this Act, any person so interested as aforesaid may, by a requisition in writing under his hand, delivered at the Register Office in which such Assurance is registered as aforesaid, together with such Affidavit as herein-after mentioned, require an Inhibition in respect of any such lands, money, or moveable property, to be mentioned in such requisition, to be entered against any person mentioned in such requisition in whom such estate or interest is vested as aforesaid, inhibiting him from alienating, transferring, charging, or affecting such lands, money or moveable property by virtue of such estate or interest, without notice being first given by the Registrar to the person signing such requisition, or some person on his behalf, at some office or place mentioned in such requisition, and situate within ten miles of the Register Office, and such requisition shall specify the date of and parties to the Assurance under which such estate or interest is vested, and the entries with respect to the same in the Index or Indexes of the Register in which the same is registered, and the affidavit to be delivered with such requisition shall be made by the person signing such requisition, and such person shall therein swear that he believes that he is interested under such use, trust, or confidence as aforesaid.

**LXX.** Where an Inhibition is so required to be entered, an entry shall be made in the Index or Indexes of the Register of Title Deeds relating to lands or "the General Register," as the case may be, under the same heads and expressing the like particulars as are by this Act required in the case of Assurances to be registered in such registers respectively.

**LXXI.** Any person against whom an Inhibition is entered as aforesaid, or any person interested in the lands, money or moveable property to which the same relates, may, by writing, signed by such person and lodged at the Register Office, require the Registrar to cancel the entries in the Indexes of such Inhibition, and the Registrar shall, within two days after the receipt of such writing, give notice thereof to the person on whose requisition the Inhibition was entered, and shall state in such notice that on the expiration of fourteen days after the service thereof, the Inhibition will be cancelled, and the service of such notice at the office or place mentioned in the requisition for the Inhibition shall be deemed good service thereof, and at the expiration of the said period of fourteen days after such service, the Registrar, unless sooner restrained by the order of a competent Court as hereinafter mentioned, shall cancel the entries in the Indexes of the said Inhibition.

**LXXII.** It shall be lawful for Her Majesty's Courts of Judicature of the said Towns of Calcutta, Madras, Bombay or Singapore, in which any such Inhibition is registered, or for the Court of Civil Judicature of any District in which any such Inhibition is registered, upon the application of any party interested, by motion or petition in a summary way, without bill or plaint filed, to restrain the Registrar from cancelling the entry of any Inhibition entered under this Act; provided always, that the said Courts respectively shall have full power, upon the application of any party, to discharge or vary such order, and to award such

Assurances affecting money or moveable property invalid, unless registered within six months or caveat entered.

Inhibition to be entered in Index of Titles.

Provision for cancelling Inhibition.

Persons interested under uses or trusts affecting estates or property vested under a registered Assurance may enter an inhibition against alienation.

Court may restrain Registrar from cancelling Inhibition.



courts on such application as such Courts respectively may see fit, and generally to make such order in relation to the premises as to the said Courts respectively may seem just.

**LXXIII.** "And whereas it may often happen that some time will elapse pending the negotiation for a sale or other contract, and that often, by reason of the illness or absence of parties or from other causes, the written transfer of property will be delayed for want of due execution by all the requisite parties, and whereas when Assurances affecting lands are executed for a temporary purpose merely, it may often be inconvenient, and occasion unnecessary expense to register an Assurance affecting such lands, containing all the particulars of the transaction," it is further enacted, that any person may, after the commencement of registration under this Act, by a requisition in writing under his hand, delivered at the proper Register Office, require a Caveat against his own acts to be entered in respect of any lands or money or moveable property in the said Territories to be mentioned in such requisition in favour of any person described therein, for the protection of any Assurance affecting such lands, money or moveable property which shall have been made and executed, or shall be in progress, or shall have been in contemplation at the time of entering such Caveat.

**LXXIV.** Where a Caveat is so required to be entered, an entry shall be made in all the Indexes under the same head, and expressing the like particulars, as are under this Act required in the case of an Assurance affecting the lands, money or moveable property mentioned in the requisition for such Caveat, and made by the person requiring such Caveat to be entered.

**LXXV.** Where a Caveat is due entered under this Act as to any lands in the said Territories, every person claiming for valuable consideration under any Assurance affecting the same lands to be made by the person by whom the entry of the Caveat has been required, or any person claiming under him, to or with the concurrence of the person in whose favour the Caveat was so entered, or his Heirs, Executors Administrators, Representatives or Assigns, and registered in the manner directed by this Act within six calendar months after the Caveat has been so entered as to such lands, shall be entitled to the same preference, protection, and advantage under the provisions of this Act as if such Assurance had been executed and so registered as aforesaid at the time of entering the Caveat: Provided always, that no such Caveat shall have any force or effect as against the operation of the Insolvency of the person requiring the same to be entered, or any Act under such Insolvency.

**LXXVI.** Subject to such Regulations as may be from time to time made under this Act, the District Registrar shall, upon the application of any person interested under any Assurance and registering the same under this Act, issue to such person a Certificate of such Registration, and shall thereupon enter in the Index of Titles in which such Assurance is entered, a memorandum of such Certificate; and the Registrar shall,

upon such Certificate being delivered at the Register Office for that purpose, cancel the same, and enter in the Index of Titles a note of such cancellation; and no Assurance by the person to whom such Certificate is issued affecting the lands to which such Certificate relates shall be registered until such Certificate has been cancelled; and such Certificate may be deposited by way of equitable mortgage by the person to whom the same has been issued, and any deposit thereof so made shall have the like effect as the like deposit of the Assurance to which the same relates would have had, but it shall not be necessary to register any equitable mortgage made by deposit of such Certificate.

**LXXVII.** In every case in which, but for this enactment, it would be the duty of any Attorney, Solicitor, or Agent to make any search in any of the Indexes to be kept at the Register Office, such Attorney, Solicitor or Agent shall, as to any search of the result of which the Registrar may be required by the Regulations for the time being in force under this Act to give a Certificate, be held to have fulfilled his duty in that behalf by delivering at the Register Office a proper requisition for such search, stating therein particularly the object of such search, and by obtaining a Certificate from the Registrar of the Office of the result of the same, and shall not be responsible for any error or mistake in the result of such search as stated in such Certificate, and in all other cases every Attorney, Solicitor, or Agent shall stand indemnified in relying on the accuracy of any Certificate to be made or given in pursuance of this Act.

**LXXVIII.** Each District Registrar, save where otherwise provided by the Regulations to be made as hereinafter mentioned, shall transmit at the end of every month to the Chief Registrar of the Presidency in which his District is situate, copies of every Assurance and of the entries and references thereon, and of the entries in the several Indexes to such Assurances, deposited, registered or made in the said District Registers or Indexes during such month, and the said copies shall be written bookwise or otherwise as the Chief Registrar of each such Presidency shall appoint, and the said Chief Registrar shall cause the said copies of the several Registers and Indexes of each District to be made up into separate books and parcels and shall number and arrange the same in such manner as shall be directed by the Regulations to be made under this Act as hereinafter mentioned.

**LXXIX.** Where there are duplicate originals of any Assurance which is registered under this Act, it shall be lawful for any person to bring or send to the Chief or District Register Office any duplicate original which has not been deposited in the District Register Office, in order that the same may be compared with the deposited original, or with the copy thereof in the Chief Register Office, and thereupon the document so brought or sent shall be compared accordingly, and any variances which may be found shall be noted in the margin of such document; and in every such case the seal of the Chief or District Register Office, as the case may be, shall be impressed on each skin or sheet of the document brought or sent to be compared as afore-

Power to enter  
a Caveat.

Mode of enter-  
ing caveats.

Extent of pro-  
tection to be af-  
forded by Caveats.

Not to protect  
against insolven-  
cy.

Certificates of Re-  
gistration may be  
delivered out and  
may be deposited  
by way of Equita-  
ble mortgage.

The duties of  
Attorneys, &c., to  
be fulfilled by caus-  
ing an Office search  
to be made.

Attorneys, &c.,  
indemnified in re-  
lying on the accu-  
racy of Certificates.

Duplicates of de-  
posited documents  
may be compared  
at the Office and  
certified.

said; and a Certificate, signed by the proper Officer of the Chief or District Register Office, as the case may be, shall be written at the head or in the margin of such document, or endorsed on the same, which Certificate shall contain a statement that a duplicate of the document in or upon which the same is written has been deposited in the District Register Office, and shall state the parties by whom the deposited original appears to have been executed, and shall specify the book or parcel in which the same is

Every document so certified to be received as evidence that another part of the same Assurance has been deposited.

made up, and the number of the document in such book or parcel; and every document so sealed, with such Certificate thereon, containing such statement, and purporting to be so signed as aforesaid, and whether furnished from the Chief or District Register Office, shall in all cases be evidence that another part of the same Assurance has been deposited in the District Register Office, and is made up in the book or parcel mentioned in such Certificate, and is numbered in such book or parcel as in the said Certificate is specified.

**LXXX.** Subject to the Regulations to be made under this Act, the Chief or District Registrar, as the case may be, shall cause to be provided, for any person applying for the same, copies or extracts from any document which has been deposited in the District

Copies of and extracts from deposited instruments to be provided on application, and to be certified.

Register Office, or from the copy thereof transmitted to the Chief Register Office under this Act, and in every case where a copy or extract is so provided, the seal of the Chief or District Register Office, as the case may be, shall be impressed on each sheet of such copy or extract; and a Certificate, signed by the proper Officer of the said Chief or District Register Office, as the case may be, shall be written at the head or margin of such copy or extract, or endorsed on the same, which Certificate shall contain a statement that the copy or extract on which the same is written is an examined copy of or extract from a document deposited in the District Register Office, or from a copy of such document in the Chief Register Office, as the case may be, and shall specify the book or parcel in which such document is made up, and the number of such document in such book or parcel; and every document

The seal of the Office, with a Certificate, to be evidence of such copies and extracts.

so sealed, with such Certificate thereon, containing such statement and purporting to be so signed as aforesaid, and whether furnished from the District or Chief Register Office, shall be evidence that such document is a copy of or extract from a document deposited in the District Register Office, and made up in the book or parcel specified in such Certificate, and numbered in such book or parcel as in the said Certificate is expressed, and of the contents of the document deposited in the District Register Office, or of such part thereof as is purported to be extracted.

**LXXXI.** Subject to such Regulations as may be from time to time made under this Act, any person interested under any Assurance, or in the matter of any search, on application at the Chief or District Register Office, shall, at such times as may be limited by the Chief Registrar in this

Searches of the Indexes to be permitted, and inspections of deposited instruments allowed.

behalf, be allowed to inspect and search any of the Indexes, and to examine and inspect any of the documents, deposited in the Chief or District Register Office under this Act, and to take extracts from any such Indexes or documents as aforesaid, and the Chief or District Registrar, as the case may be, shall, upon the delivery of such requisitions as under the Regulations

Searches of the Indexes to be made on requisition, and Certificates given.

hereinafter mentioned, may be required, and in accordance with such Regulations, make or cause to be made such searches in any of such Indexes, and give such Negative or other Certificates of the results of such searches, as by such Regulations may be directed in this behalf; and every such Certificate shall be sealed with the seal of the Register Office from which it is issued, and shall be signed by the Chief Registrar or Assistant, or District Registrar of such Office, as the case may be.

**LXXXII.** No document deposited in the District Register Office under this Act, and no copy of a document in the Chief Register Office, shall be removed from the same respectively, except in obedience to legal process for the production thereof, and none of the Indexes to be kept at the said Register Offices, respectively, shall be removed from the same on any account whatsoever.

**LXXXIII.** Provided always, that where any Will has been registered under this Act by the deposit of the original Will, the District Registrar shall, upon the request of any person entitled to prove

Wills deposited at the Register Office may be removed for the purpose of being proved, &c.

such Will, or to take out Letters of Administration to the testator with such Will annexed, or to take out a Certificate under Act XX. of 1841, such request to be testified by some writing signed by and containing the address of the person making such request, and specifying the Court in which the Will is desired to be proved, or in which administration to the testator with the Will annexed, or a Certificate under Act XX. of 1841 is desired to be taken out, cause such Will, together with a Certificate of the same having been deposited in the District Register Office, which Certificate shall be sealed with the seal of the District Register Office, and signed by the District Registrar, to be transmitted to the Court so specified, in order that the same may be proved in such Court, or that Administration to the Testator with such will annexed, or that such Certificate as aforesaid, may be granted by such Court; and the Registrar or other the Chief Officer of the Court to which such will is so

After being proved, &c. the will is to be returned.

transmitted, or his deputy, shall, immediately after such will has been proved, or Letters of Administration of the effects of the such will annexed, or Certificate, have been granted in or by such Court, or immediately after the termination of the proceedings in such Court, cause the same will to be returned to the District Register Office.

**LXXXIV.** For facilitating the making up into books or parcels of the several documents to be deposited at the respective Register Offices under this Act, and for the convenience of reference thereto, it shall be lawful for the Chief Registrar of each Presidency or Place,

Power to the Registrar to order that documents to be deposited shall be written bookwise or otherwise, &c.

with the consent of the Government thereof, from time to time (either before or after the commencement of registration under this Act) by a notice to be published at least four times in the "Government Gazette," of each Presidency or Place, of which the last time shall be not less than three Calendar months before the time when the same is intended to take effect, to order and direct that all documents of any description, to be specified in such notice, which shall be brought or sent to the Register Office in order to be deposited in the same under this Act (with any exceptions which shall be specified in such notice) shall be written or engrossed bookwise, or in such manner as shall be specified in such notice, and shall be written or engrossed either on paper, vellum, or parchment, as shall in that behalf be in such notice directed, and to order and direct that such paper, vellum or parchment shall be of such description and of

Additional payment on persons sending documents to be deposited, which shall not be conformable with such order.

such shape and dimensions as in such notice shall be specified, and if, after the time when any notice to be given in pursuance of this power has taken effect, any document within the meaning of such notice be brought or sent to the Register Office to be deposited as aforesaid which is not conformable with the directions in respect of the same contained in such notice, the person depositing the same shall pay, in addition to the ordinary fee made payable on such deposit, such extra fee as the Registrar may in each case think fit, not exceeding the amount of the said ordinary fee.

**LXXXV.** It shall be lawful for the Chief Registrar of each Presidency or Place, with the consent of the Government thereof, from time to time, either before or after the commencement of Registration under this Act, by a notice to be published not less than four times in the "Government Gazette" of such Presidency or Place (of which the last time shall be at least one Calendar month before the time when the same shall be intended to take effect) to require that any statements which may appear to the Chief Registrar necessary or proper for directing or regulating the entries to be made on Registration, and for affording information for the making of such entries, shall be made and brought to the Register Office; and it shall also be lawful for the Chief Registrar, with such consent as aforesaid, by any such notice to specify the form of such statements as aforesaid, and to require that the same shall be signed by the persons respectively requiring the registration, and shall contain the addresses of such persons respectively, and also to require that the same shall be either written or endorsed on the documents to be deposited as aforesaid, or written on separate

No Officer of the Register Office to be responsible for omissions or mistakes occasioned by defects in the statements.

papers, as the Chief Registrar shall think fit: Provided always that nothing in this Act shall render the Registrar or any other Officer of the Register Office in any way responsible or liable in respect of any loss or damage which may be sustained or incurred by any person in consequence of the omission of any entry or reference required by this Act to be made in the Register Office, or in consequence of any error in any such entry or reference, in any case where no statement has been sent to the Regis-

ter Office conformably with any such notice as aforesaid, or in any case where such statement has been so sent as aforesaid, and entries or references in conformity therewith have been made.

**LXXXVI.** It shall be lawful for each District Registrar (subject to any Regulations to be made as hereinafter mentioned under this Act) upon such evidence as may appear to him sufficient in this behalf, to correct errors in entries made, and supply entries omitted to be made, under this Act. Provided always, that in the correction of any such entry he shall not erase or render illegible the original entry, and shall, on correcting or supplying any entry, cause an entry to be made, in connexion with the entry so corrected or supplied, of the time when the same was so corrected or supplied; and every correction made, and omission supplied, under this provision shall be as effectual as if made at the time when the same ought to have been made, but not so as to affect any Assurance registered, or act done, previously to the actual time of the correction of the entry, or supplying the omitted entry.

Registrar may correct errors in entries.

**LXXXVII.** If any person, making any Affidavit under this Act, shall therein wilfully swear falsely, such person shall be deemed guilty of wilful and corrupt perjury; and all Affidavits to be registered, or deposited in the Register Office under this Act, shall be sworn before a Chief Registrar, Assistant Registrar, District Registrar, Justice of the Peace, or Magistrate of the District, Town, or place where such Affidavit is sworn, or elsewhere, before a Magistrate and attested by a Notary, or before a British Minister, Resident, Consul or Vice Consul.

Falsely swearing under this Act to be punished as perjury.

**LXXXVIII.** If any person shall forge, counterfeit, or imitate, or cause or procure to be forged, counterfeited or imitated, or knowingly act or assist in forging, counterfeiting or imitating, upon any document upon which the seal of the Register Office is authorized to be impressed, the impression or any part of the impression of the Seal of the Register Office, or shall knowingly stamp or mark, or cause or procure to be stamped or marked, or knowingly act or assist in stamping or marking, any such document with any forged or counterfeited Seal of the Register Office, with the intent to defraud any person whomsoever; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly act or assist in forging or counterfeiting the name, signature or handwriting of any Officer, in any case in which the signature of such Officer is authorized to be made; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly act or assist in forging or counterfeiting the name, signature or handwriting of any person whomsoever, to any instrument or document which is in and by this Act, or shall by the exercise of any power contained in this Act, be required or directed to be signed by such person; or shall, with an intention to defraud any person whomsoever, use any document upon which any impression or part of the impression of any Seal of the Register Office shall have been forged, counterfeited, or imitated, knowing the same to be forged, counterfeited or imitated, or any document the signature of which shall be so forged

Punishment for forging signatures required by the Act, or Counterfeiting impressions of the Seal of the Register Office.



or counterfeited as aforesaid, knowing the same to be forged or counterfeited, every such person so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged to be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the Seas for life, or for any term not less than seven years, or to be imprisoned (with or without hard labour) for any term not exceeding four years nor less than one year.

**LXXXIX.** It shall be lawful for the Chief Registrar of each Presidency or Place (with the consent of the Government thereof) to fix the fees to be taken in the several Register Offices in such Presidency or place in respect of documents to be registered, entries to be made, Searches, Certificates, Office Copies, and other matters to be done in such Office under this Act, and from time to time to vary or wholly abolish any such fees, and fix new fees.

**XC.** It shall be lawful for the Chief Registrar of each Presidency or place, with the consent of the Government thereof, from time to time, to direct that the fees or other payments which shall be received under the authority of this Act, shall be applied, under such Regulations as they shall appoint, in payment of the current or incidental expenses of the said Offices or any of them.

**XCI.** Such fees and payments as aforesaid, or so much thereof as may not be applied as lastly hereinbefore mentioned in payment of any of the current or incidental expenses of the Register Offices, shall from time to time be paid into the Government Treasury of the Presidency or Place in which such Register Offices are situate.

**XCII.** An Account shall be kept in each District Register Office of the fees and other payments received under the authority of this Act, and of the expenses paid thereout as aforesaid; and such account shall, from time to time, be forwarded to and examined, tried, and audited by the Chief Registrars respectively, as well as the Civil Auditor of each Presidency or Place respectively.

**XCIII.** It shall be lawful for the Governor or Governor in Council of each of the said Presidencies or Places to assign to the Chief Registrar thereof respectively a Salary not exceeding the monthly sum of , and to every Assistant Registrar a Salary not exceeding the monthly sum of , and to each District Registrar a Salary not exceeding the monthly sum of , and to assign to the Clerks and other subordinate Officers of the Register Office such Salaries or other remuneration, as to the said Governments respectively shall seem proper.

**XCIV.** Every action or suit which shall be brought by any person to recover damages for or by reason of any loss or damage occasioned by any omission or misfeasance of any Officer of the Register Office shall be brought against the Chief Registrar as the nominal

trae. If final judgment be recovered, the damages to be paid by Government.

defendant; and in case in any such action the plaintiff recover final judgment against such nominal defendant, then, upon the prayer of such plaintiff, the Court or Judge, as the case may be, of the Court where such action or suit shall have been brought, shall and he is hereby directed to certify to the Secretary to the Government of the Presidency or Place in which such action or suit is brought, the fact of such judgment having been so recovered, and the amount of damages and costs recovered; and thereupon, or before the expiration of two Calendar months after such judgment is so certified, the amount of such damages and costs shall be paid by the said Government to the person recovering the same, his Executors, Administrators or representatives. Provided always,

that notice in writing of every such action, and of the cause thereof, shall be served upon the Secretaries to Government for the time being, and also upon the Registrar for the time being, one Calendar month at least before the commencement of such action:

Provided also, that no Chief Registrar, nor the real or personal Estate of any Chief Registrar, shall be in any way chargeable with or upon any judgment recovered as aforesaid; nor shall any process or notice in or relating to any such action, (except as aforesaid) be served upon the Chief Registrar, but all such processes and notices shall be served upon the Secretary to the Government of the Presidency or Place in which such action or suit is brought.

**XCv.** If in any such action or suit judgment be given in favour of the nominal defendant, or the plaintiff withdraw his action or suit, or discontinue, or become non-suit, the plaintiff shall be liable to pay the full costs of defending such action, and the same (when taxed) shall be levied in the name of the nominal defendant by the like process of execution as in other actions or suits of the like nature.

**XCvi.** If at any time before payment to the plaintiff of any damages recovered by any such judgment as aforesaid, an appeal be made from such judgment, such damages shall not be paid until the judgment is affirmed; and if, after payment to the plaintiff of any damages recovered by any such judgment as aforesaid, such judgment be reversed, the Court, by which such judgment is reversed, shall award a writ of restitution against the plaintiff in the name of the nominal defendant, or order the plaintiff to pay the same to the nominal defendant; and when the monies thereby directed to be levied, or any part thereof, are brought into Court, the said Court shall order the same to be paid into the Government Treasury to the account of Government.

**XCvii.** It shall be lawful for the Chief Registrar of each Presidency or place, with the consent of the Government thereof, to enter into and conclude a compromise with any person claiming a right of action or damages by reason of any loss or damage occasioned by any omission, mistake or misfeasance of any Officer of the Register Office; and, upon payment thereof, the person receiving the same shall execute to the Registrar a release of the cause of action in respect of which such pay-

Chief Registrar, with consent of Government, to fix fees to be taken under this Act.

Power to apply monies received by the Office in payment of the expenses of the same.

Subject to the last power, all monies received by the Office to be paid to the Government Treasury.

Accounts of the Office to be audited.

Power to assign Salaries to the Registrar and other Officers of the Registry Office.

Actions for damages occasioned by the omission or misfeasance of any Officer of the Register Office to be brought against the Chief Registrar.

Notice to be given to the Secretaries to Government.

The Chief Registrar not to be personally liable.

Provisions as to costs if judgment be given for the defendant or the plaintiff discontinue or become non-suit.

Provision for case of an appeal.

Power to the Chief Registrar to compromise any such action.

ment is made, and such release may be pleaded in bar to any action which the person executing the same, or any person claiming under him, shall bring to recover damages for or by reason of any loss or damage occasioned by the same omission, mistake, or misfeasance.

**XCVIII.** Provided also, that the time which by the Act and Regulations now in force is limited for commencing or suing actions, shall, so far as respects any action brought in the manner directed by this Act to recover damages for any loss or damage arising from any omission, mistake or misfeasance of any Officer of the Register Office, be computed and run from the time when actual loss or damage has arisen from such omission, mistake, or misfeasance as aforesaid.

**XCIX.** Every action which, under the Provisions of this Act, shall be brought by or against any Chief Registrar shall be so brought by or against him by his name of Office; and no such action shall abate by reason of the death or removal from Office of any such Chief Registrar.

**C.** It shall be lawful for the Chief Registrar of each Presidency or place, with the consent of the Government thereof, from time to time, to make such Regulations, as to him may seem proper, for and in relation to all or any of the matters hereinafter mentioned; viz: for determining the cases in which Assurances are to be indexed in the Index of Titles under new heads and existing heads respectively, and the heads under which Assurances are to be indexed in such Index, and in what cases of Assurances indexed in the Index of Titles, references shall be made under any head in such Index to any other head in such Index, and in what cases of Assurances so indexed, entries in respect thereof shall be made in the Indexes of the names of Grantors, or in the Index to Testators and Intestates, or in the Index of Insolvents, (as the case may require,) and providing generally for the convenient classification and arrangement under heads in the Index of Titles of the Assurances to be indexed therein, and the making of such references between any heads of such Index in respect of Assurances connected in Title, and of such entries in the Indexes of the names of the Grantors, the Indexes to Testators and Intestates, and the Index to Insolvents, and any other Index kept in the Register Office, as may, in the opinion of the Chief Registrar, tend to render searches easy and safe.

The particulars to be entered in the Indexes to be kept in the Register Office where entries are required under this Act, and the form and manner of such entries.

The correction of errors and supplying of omissions in entries made under this Act.

The issue of Certificates of Registration in substitution for like Certificates which may have been lost or destroyed.

The making of Copies of, and Extracts from, deposited documents, and the granting of Certificates with reference thereto, and the restrictions and conditions under which such copies, extracts, or Certificates shall be given.

The making of searches of, and providing and issuing extracts from, any of the Indexes to be kept at the Register Office, and granting negative or other certificates with reference thereto, the forms of requisition for such copies, extracts or searches as aforesaid, and the giving of receipts

for documents received at the Register Office, the mode in which, and the restrictions and conditions under which searches of the Indexes kept at the said Office, and inspection of documents deposited there, shall be permitted.

And for regulating all other matters and things whatsoever connected with the regulation and management of the said Register Offices, and the execution of this Act not specially hereby provided for, and generally for giving effect to the provisions of this Act, and from time to time to alter, vary or revoke any such regulations, and make any new regulation in relation to the matters aforesaid; and all regulations to be made under this Act by the Chief Registrar, with such consent as aforesaid, shall be published in the "Government Gazette," and a copy thereof shall be sent to each District Registrar in the said Presidency or place, and such District Registrar shall retain such copy, and permit persons to inspect the same, and to make copies and extracts of and from the same.

**CI.** The Chief Registrar of each Presidency or place shall, within one month after the commencement of registration under this Act, send to the Secretary to the Government of such Presidency or place a report of the Districts formed

under this Act and of all other Acts and matters done by the Registrar preparatory to such commencement of registration, and shall also, in the month of January in every year, send to such Secretary a general report of his proceedings under this Act, and of the business of the chief Register Office, and of the other District Register offices subordinate to him, and shall specify in such report whether any and what difficulties have arisen in or in relation to registration under this Act, or the searches required to be made, or otherwise in the operation of this Act, or any regulations made thereunder, and whether any and what alterations have been suggested which appear to him expedient, or have occurred to him, and whether the same can or cannot be effected without the aid of the Legislature, and may in such report make such observations or suggestions in relation to the matters aforesaid as the Chief Registrar may think fit; and every such report shall be laid before the Governor General of India in Council, within two months after the receipt thereof, by the said Governments respectively.

**CII.** The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless such meanings be repugnant or inconsistent with the context, (that is to say)

Words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular number.

Words importing the masculine gender shall include females.

The word "Person" shall apply to and include corporations.

The word "Assurance" shall extend to a feoffment, grant, bargain, and sale, bill of sale, lease and release, deed of covenant, gift, mortgage, lease or agreement for a lease for a longer period than seven years, and any assignment of such lease, and also to a lien, guarantee, contract, agreement, memorandum, or any document by this Act declared to be an Assurance, or any other deed or document whereby any lands, money or moveable property are conveyed, transferred, ap-

pointed or assigned, except such documents as by Sections XXXIV. and XXXV. of this Act are excepted, and every person claiming derivatively under any Assurance shall be considered as claiming under the same.

The word "Grantor" shall apply to any person by whom lands, money or moveable property shall be conveyed, transferred, appointed, charged, assigned or otherwise affected.

The word "District" shall mean a District formed under this Act.

The word "Lands" shall extend to all lands, tenements and hereditaments of any tenure, and all houses, buildings and walls thereupon, and any estate or interest in the same, whether legal or equitable.

The word "Title" shall extend to a power or right to convey or otherwise affect lands.

The word "Will" shall extend to a Codicil, Wassyutnumah, or other testamentary paper, or to an appointment by Will, or by writing in the nature of a Will in exercise of a Power.

The word "Addition," where the addition of any person, whose name is required by this Act to be entered in any Index is hereby directed to be entered with such name, shall mean the description as to residence, title, rank, profession or occupation of such person.

The expression "the District in which such Assurance is made" shall mean the District wherein the party who conveys, assures, assigns, transfers, or appoints by such Assurance executes the same, and where two or more parties thereby convey, assure, transfer, assign or appoint, the District in which the same is executed by the second or last party who conveys, assures, transfers, assigns or appoints thereby.

The expression "after the execution thereof" "by the party who conveys, assures, transfers, assigns or appoints thereby," when there are two or more of such parties, shall mean the second or last party who conveys, assures, transfers, assigns, or appoints thereby.

## SCHEDULE A

### FORMS FOR RECEIPT BOOKS.

#### FORM 1.

#### Receipts for "The Register of Titles relating to lands."

**RECEIPT.**  
No. 20 *Calcutta, District Register Office.*  
Assurance deposited in this Office on the 10th day of January 1853, at  $\frac{1}{2}$  past 10 A. M.  
Date of Assurance, . . . 9th January 1853.  
Parties to ditto, . . . Baboo Gooroochurn Ghose of the one part.  
John Brown and Edward Jones of the other part.  
Entries in Indexes to "The Register of Title Deeds relating to lands." . . .  
Index of Titles—No. 2 of 50 Hastings Street, Calcutta.  
Index of the names of Grantors, } Baboo Gooroochurn Ghose.  
Index of Insolvents, }  
Index of Testators and Intestates, }  
Land Index (if any,) . . .  
Signed John Cox,  
District Registrar.

**RECEIPT.**  
No. 20 *Calcutta, District Register Office.*  
Assurance deposited in this Office on the 10th day of January 1853, at  $\frac{1}{2}$  past 10 A. M.  
Date of Assurance, . . . 9th January 1853.  
Parties to ditto, . . . Baboo Gooroochurn Ghose of the one part.  
John Brown and Edward Jones of the other part.  
Entries in Indexes to "The Register of Title Deeds relating to lands." . . .  
Index of Titles—No. 2 of 50 Hastings Street, Calcutta.  
Index of the names of Grantors, } Baboo Gooroochurn Ghose.  
Index of Insolvents, }  
Index of Testators and Intestates, }  
Land Index (if any,) . . .  
Signed John Cox,  
District Registrar.

N. B.—The words and figures in Italics in this Schedule to be filled up as the case may be, and references must be added to all other Indexes in which the Assurance is registered.

#### FORM 2.

#### Receipts for "The General Register."

**RECEIPT.**  
No. 50 *Calcutta, District Register Office.*  
Assurance deposited in this Office, on the 12th day of January 1853, at 20 minutes past 1 P. M.  
Date of Assurance, . . . 10th January 1853.  
Parties to ditto, . . . John Cochrane,  
Offl. Asser. of the 1st part.  
Hurriachunder Ghose, . 2nd part.  
Dwarkanath Ghose, . 3rd part.  
Entries in Indexes to "The General Register," . . .  
Index of the names of Grantors, } John Cochrane.  
Index of the names of Insolvents, } Hurriachunder Ghose.  
Index of Testators and Intestates, }  
Signed John Cox,  
District Registrar.

**RECEIPT.**  
No. 50 *Calcutta, District Register Office.*  
Assurance deposited in this Office, on the 12th day of January 1853, at 20 Minutes past 1 P. M.  
Date of Assurance, . . . 10th January 1853.  
Parties to ditto, . . . John Cochrane,  
Offl. Asser. of the 1st part.  
Hurriachunder Ghose, . 2nd part.  
Dwarkanath Ghose, . 3rd part.  
Entries in Indexes to "The General Register," . . .  
Index of the names of Grantors, } John Cochrane.  
Index of the names of Insolvents, } Hurriachunder Ghose.  
Index of Testators and Intestates, }  
Signed John Cox,  
District Registrar.

N. B.—The words and figures in Italics in this Schedule to be filled up as the case may be, and references must be added to all other Indexes in which the Assurance is registered.



## FORM 3.

## Receipts for Register of Leases.

**RECEIPT.**  
 No. 10 *Calcutta, District Register Office.*  
 Lease deposited in this Office, on the 10th day of January 1853.  
 Date of Lease, . . . . . 9th of January 1853.  
 Parties to ditto, . . . . . Muttylall Doss.  
    Annundchunder Ghose.  
 Entries in Indexes to  
 "the Register of  
 Leases," . . . . . Index of Titles, { No. 1 of 20 Flag  
    Street, Calcutta.  
    Index of the  
    names of Les- } Muttylall Doss.  
    sors, . . . . .  
 Signed John Cox,  
    District Registrar.

**RECEIPT.**  
 No. 10 *Calcutta, District Register Office.*  
 Lease deposited in this Office, on the 10th day of January 1853.  
 Date of Lease, . . . . . 9th of January 1853.  
 Parties to ditto, . . . . . Muttylall Doss.  
    Annundchunder Ghose.  
 Entries in Indexes to  
 "the Register of  
 Leases," . . . . . Index of Titles, { No. 1 of 20 Flag  
    Street, Calcutta.  
    Index of the  
    names of Les- } Muttylall Doss.  
    sors, . . . . .  
 Signed John Cox,  
    District Registrar.

N. B.—The words and figures in Italics in this Form to be filled up as the case may be.

Ordered, that the Draft now read be published for general information.

Ordered, that the said Draft be re-considered at the first Meeting of the Legislative Council of India, after the 20th day of May, 1852.

FRED. JAS. HALLIDAY,

Secy. to the Govt. of India.

No. 202.

Fort William, Home Department, Ecclesiastical,  
 the 27th February 1852.

**NOTIFICATION.**—The Most Noble the Governor General in Council is pleased to attach the Reverend R. B. Maltby, Assistant Chaplain, returned from Furlough on the 17th instant, to the North-Western Provinces, for employment in the Punjab.

FRED. JAS. HALLIDAY,  
 Secy. to the Govt. of India.

No. 213.

Fort William, Home Department,  
 the 27th February 1852.

**NOTIFICATION.**—The Most Noble the Governor General in Council is pleased to permit Mr. C. R. Tulloh to resign the East India Company's Civil Service from the 1st proximo.

FRED. JAS. HALLIDAY,  
 Secy. to the Govt. of India.

No. 430.

Fort William, Foreign Department,  
 the 27th February 1852.

**Notifications.**—The Governor General in Council is pleased to grant to Major H. Montgomery, Superintending Chittledroog Division, leave of absence, for one month, under Section XI. of the Amended Absentee Rules, to visit Madras and Ceylon.

No. 448.

The Most Noble the Governor General in Council is pleased to grant Mr. G. F. Edmonstone, Commissioner and Superintendent Cis-Sutlej States, leave of absence, for one month, on urgent private affairs, under Section XI. of the Amended Absentee Rules.

Lieutenant W. S. R. Hodson, Assistant Commissioner in the Punjab, is appointed to the charge of the current duties of the Commissionership.

No. 436.

The 2nd March 1852.

The Most Noble the Governor General in Council is pleased to appoint Lieutenant A. Pear-

son, of Artillery, to be Captain Commandant of No. 4 Light Field Battery Sindiah's Contingent, vice Captain A. W. Hawkins.

EDW. THOMAS,

Offg. Under Secy. to the Govt. of India.

No. 4.

Fort William, Financial Department,  
 the 14th February 1852.

**NOTIFICATION.**—Notice is hereby given, that the Salaries, Pay, Batta, and Allowances of the Civil, Military, and Marine Departments, for February 1852, will be payable as under:—

Military and Marine Departments, on Wednesday, the 10th proximo.

Civil ditto, on Monday, the 15th proximo.

By order of the Hon'ble the President in Council,

J. A. DORIN,

Secy. to the Govt. of India.

No. 487.

Orders by the Most Noble the Governor of Bengal.

**Appointments.**—The 21st February 1852.—Captain H. Vetch to be Deputy Commissioner of Assam. Captain Vetch will continue in charge of the Political duties of Upper Assam, until further orders.

Captain E. T. Dalton to be a First Class Principal Assistant to the Commissioner of Assam. Captain Dalton will continue in charge of the Luckimpore and Dibrooghur Division.

Captain C. S. Reynolds to be a First Class Principal Assistant to the Commissioner of Assam. Captain Reynolds will continue in charge of the Durrung Division.

Captain E. A. Rowlatt to be a Second Class Principal Assistant to the Commissioner of Assam. Captain Rowlatt will continue in charge of the Gowahatty Division.

The 25th February 1852.—Mr. S. Bowring to officiate as Civil and Sessions Judge of Chittagong, with the powers of a Special Commissioner under Regulation III., of 1828, during the absence of Mr. H. Stainforth, or until further orders.

Mr. A. Forbes to officiate as Additional Civil and Sessions Judge of Chittagong, during the deputation of Mr. S. Bowring, or until further orders.

*The 26th February 1852.*—Mr. W. G. Young, Superintendent of Survey, of the 1st or Northern Division, and Mr. E. G. Birch, Assistant to the Superintendent, have been respectively vested with the full powers of a Collector under Regulations VII. of 1822, and IX. of 1825, in the Districts of Rajshahye, Pubna and Bogra.

Mr. A. Hope to officiate as Magistrate of Monghyr during the absence of Mr. G. G. Bal-four, or until further orders.

Mr. G. H. M. Ricketts to be in charge of the Sub-Division of Santipore. Mr. Ricketts is vested with the special powers described in Clause 3, Section 2, Regulation III. of 1821, and Section 21, Regulation VIII. of 1831, in the District of Nuddea, which he will exercise within the Sub-Division of Santipore.

Moulvie Abdool Jubbar, Law Officer of Moorshedabad, is vested with the full powers of a Magistrate in that District.

The Revd. John Mackail, M. A., Minister of the Free Scotch Church, to be a Marriage Registrar in the Town of Calcutta, and the Revd. James Bradbury, Missionary of the London Missionary Society, to be a Marriage Registrar in the District of Moorshedabad.

*The 27th February 1852.*—Mr. H. L. Dampier to be an Assistant to the Magistrate and the Collector of Bhargulpore, and to exercise the special powers described in Clause 3, Section 2, Regulation III. of 1821, and Section 21, Regulation VIII. of 1831, in that District.

Revd. A. W. Wallis to be Chaplain at Chinsurah from the date on which he assumed charge of his duties.

*Leave of Absence.*—*The 25th February 1852.*—Mr. W. G. Macvitie, officiating Abkarry Superintendent of Jessore and Nuddea, for two months, on Medical Certificate, in extension of the leave granted to him by the Board of Revenue. Mr. H. R. Humphreys will officiate for Mr. Macvitie during his absence and will exercise the powers of adjudication prescribed by Section 3, Act XXV. of 1840.

*The 26th February 1852.*—Mr. F. B. Kemp, Collector of Mymensing, for fifteen days, from the 27th instant, under Section XII. of the Amended Absentee Rules, in extension of the period allowed for joining his Station.

The unexpired portion of the leave of absence granted to Mr. F. A. B. Glover, Officiating Magistrate of Purneah, in Orders of the 15th and 29th ultimo, has been cancelled from the 19th instant.

*Notification.*—*The 2nd March 1852.*—Mr. H. Staintorth made over charge of the office of Civil and Sessions Judge of Chittagong to Pundit Sreenanth Bidyabagish, 2nd Principal Sudder Ameen of the District, on the 20th ultimo.

Lieutenant G. N. Cave, Assistant to the Political Agent on the Cossiah Hills, having resumed charge of his office, the unexpired portion of the leave of absence granted to him on the 9th January last, has been cancelled from the 19th ultimo.

Mr. C. B. Quintin, Collector of Sarun, resumed charge of his office from Mr. W. F. McDowell, on the 23rd ultimo.

Mr. J. Grant, Civil and Sessions Judge of Dinagepore, made over charge of the current duties of his office to Moulvie Irut Hossein, Officiating Principal Sudder Ameen of the District, on the 23rd ultimo.

Mr. G. Loch, Collector of Bhargulpore, made over charge of his office to Mr. R. O. Heywood, on the 24th ultimo.

Mr. J. Jowett, Civil Assistant Surgeon of Dinagepore, made over charge of the Medical duties of the Station to the Native Doctor, on the 26th ultimo.

Roy Hurrochunder Ghose delivered over charge of the current duties of the office of Principal Sudder Ameen of the 24-Pergunnahs to Moulvie Mahomed Saem, the Additional Principal Sudder Ameen, on the 27th ultimo.

Mr. C. Steer, Officiating Civil and Sessions Judge of Houghly, made over charge of his office to Baboo Lokenauth Bose, the Principal Sudder Ameen, on the 27th ultimo.

Mr. R. Hampton, Collector of Jessore, received charge of his office from Mr. O. S. Belli, on the 28th ultimo.

Mr. J. C. Brown, Civil and Sessions Judge of Nuddea, resumed charge of his office from Baboo Ramlochan Ghose, the Principal Sudder Ameen, on the 28th ultimo.

Mr. W. C. Spencer, Assistant to the Magistrate and the Collector of Beerbhoom, joined his Station on the 28th ultimo.

By Order of the Most Noble the Governor of Bengal.

J. P. GRANT,  
Secy. to the Govt. of Bengal.

No. 813 of 1852.

*Orders by the Hon'ble the Lieutenant Governor of the North-Western Provinces.*

*Judicial and Revenue Department,*  
*Agra, the 24th February 1852.*

*Appointments.*—Mr. Henry Harris Greathed to officiate as Magistrate and Collector of Cawn-pore.

Mr. George Dundas Turnbull to officiate as Magistrate and Collector of Bijnore, till further orders.

No. 816 of 1852.

*Notification.*—Captain E. Robinson having been compelled, by ill-health, to vacate his appointment as Superintendent of the Bhuttee Territory, under the operation of the 8th Clause of the Absentee Rules, his services are, at his own request, declared at the disposal of His Excellency the Commander-in-Chief from the 26th February 1852.

*Appointment.*—Captain R. Robertson to be Superintendent of the Bhuttee Territory from the above date.

No. 822 of 1852.

*Appointment.*—Mr. John Rycroft Best to be Joint Magistrate and Deputy Collector of Ghazepore, from the date on which Mr. A. Ross vacated the appointment.

No. 863 of 1852.

*Judicial Department,*  
*Agra, the 27th February 1852.*

*Appointments.*—Mr. Christopher Weston Fagan to officiate as Civil and Sessions Judge of Banda.

Mr. Sullivan James Becher to officiate as Civil and Sessions Judge of Azimgurh, till further orders.

*Judicial and Revenue Department.*

Mr. St. George Tucker to officiate as Magistrate and Collector of Azimgurh, till further orders.

W. MUIR,  
Secy. to the Govt., N. W. P.

*General Orders by the Most Noble the Governor General of India in Council.*

*Fort William, the 27th February 1852.*

No. 150 of 1852.—Without desiring to interfere with the spirit of accommodation arising from the Pay Master's own kindness in undertaking the charge of Assets belonging to Regimental Funds, the Most Noble the Governor General of India in Council is pleased to direct that Regimental Pay Masters attached to Queen's Regiments on the Indian Establishment shall not mix up monies belonging to Regimental Funds with the public monies received by them for the use of the Public Service, either as advances from Public Treasuries, or by deductions from Pay on account of Savings' Bank or other authorized deductions, nor insert entries in their Public Cash Book other than those arising from their functions as Regimental Pay Masters, carefully excluding therefrom all private transactions, or those connected with any Regimental Funds.

The Cash Balance exhibited by the Regimental Cash Book must be first made up in the event of the removal of a Pay Master from office by death, or from any other cause, before any balance can be claimed on account of Assets in his hands belonging to Regimental or private Funds.

The Cash Book shewing the receipts and payments of public money, as also the Ledgers of Officers' accounts for Pay and Allowances, and Company Abstracts, shall be considered as public property, open to the inspection of the Regimental authorities, and are to be handed over to his successor as Regimental records by a Pay Master quitting his Regiment.

Officers Commanding Her Majesty's Regiments at the three Indian Presidencies will be held responsible that this order is strictly carried out, and the Cash Book and Ledgers are to be produced at each half-yearly inspection, together with the last Monthly Regimental Account Current furnished by the Pay Masters to the Queen's Troops at the respective Presidencies, and an explanatory Statement of any difference of balance that may appear between that closing the Regimental Pay Master's Cash Account and that of the Pay Master to the Queen's Troops at the Presidency.

*Fort William, 2nd March 1852.*

No. 151 of 1852.—The permission granted by the Bombay Government to Lieutenant-Colonel David Simpson, of the 29th Regiment Bengal Native Infantry, to proceed thence to Europe on Furlough, on Medical Certificate, is confirmed.

No. 152 of 1852.—The following promotions in the Calcutta Native Militia, made by the Most Noble the Governor of Fort William, on the 30th January 1852, are published in General Order:

Havildar Shaik Chand to be Jemadar, vice Mattabuddal Tewary promoted.

Havildar Ablack Sing to be Jemadar, vice Shaik Hyder promoted.

*Fort William, 3rd March 1852.*

No. 153 of 1852.—The Most Noble the Governor General of India in Council is pleased to make the following Appointment:

2nd Lieutenant G. T. Chesney, of Engineers, Assistant Executive Engineer 2nd Division Grand Trunk Road, to be Executive Engineer of that portion of the 7th Division Grand Trunk Road,

which passes through the Futteela District till its completion.

No. 154 of 1852.—The Most Noble the Governor General of India in Council is pleased to direct that the practice which has occasionally obtained of investing Prize Assets in Public Securities, and the deposit of such Securities with the Government Agent, shall be discontinued, and that hereafter all Prize Monies shall be remitted to the General Treasury, and credited in the Public Books, a distinct head of account being opened for each particular Fund.

J. S. BANKS,

*Deputy Secy. to the Govt. of India,*

*Mily. Dept.*

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Three Quarters of a Second (¾s.) after Mean Noon.

*Fort William, 28th February 1852.*

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Three Quarters of a Second (¾s.) before Mean Noon.

H. P. BURN,

*Town Major.*

*Fort William, 1st March 1852.*

#### **General Post Office Notifications.**

THE departure of the H. C. Steamer "Fire Queen" having been postponed until the morning of the 4th instant, her Mails will be closed at this Office to-morrow at 6. P. M.

J. R. BURLTON BENNETT,

*Deputy Post Master General, in Charge.*

*Calcutta, General Post Office, }  
the 2nd March 1852.*

NOTICE is hereby given, for general information, that the Mails for Rangoon River, per H. C. Steamer "Phlegethon," will be closed at this Office, on Thursday, the 4th Instant.

J. R. BURLTON BENNETT,

*Deputy Post Master General, in Charge.*

*Calcutta, General Post Office, }  
the 1st March 1852.*

#### **Export Overland Mail via Bombay.**

THE Government of Bombay having appointed the 3rd of the ensuing month of April for the departure of the next Steamer therefrom with a Mail for Suez—Notice accordingly is hereby given, for general information, that the latest safe date for the transmission of letters and papers from Calcutta, which may be intended for conveyance by that opportunity, will be Wednesday, the 24th Proximo, and that the first set of the Overland Packets will be closed at, and despatched from this Office, on Tuesday, the 23rd *id.*

J. R. BURLTON BENNETT,

*Deputy Post Master General, in Charge.*

*Fort William, Genl. Post Office, }  
the 28th February 1852.*



NOTICE.—The undermentioned transfers have been effected in consequence of the Packets reaching Kedgerie too late to overtake the Vessels for which they were respectively intended :

Date of Receipt of the Letters at the General Post Office.	By what Vessel intended for transmission.	Destination.	By what Vessel transmitted.
24th and 25th Dec. 1851,	Alipore, .....	Hong Kong, .....	Lady Amherst.
6th January 1852, .....	Pyrenees, .....	Mauritius, .....	Fazel Curroem.
7th and 8th January, ...	Victoria, .....	Penang, .....	Lady Mary Wood.
10th " " " " " " " "	Steamer Enterprize, .....	Akyah, .....	Ballegeich.
10th " " " " " " " "	Ditto, .....	Kyook Phyo, .....	Steamer Precursor.
10th " " " " " " " "	Ditto, .....	Moulmein, .....	Steamer Proserpine.
12th " " " " " " " "	Ballegeich, .....	Akyah, .....	Agnes.
15th " " " " " " " "	Agnes, .....	Ditto, .....	Mary Ann Johnstone.
15th " " " " " " " "	Fazel Curroem, .....	Mauritius, .....	Dorothy.
17th " " " " " " " "	Anne Charlotte, .....	Hong Kong, .....	Lady Amherst.
18th " " " " " " " "	Steamer Lady Mary Wood,	Singapore and China, .....	Mor.
20th " " " " " " " "	Steamer Proserpine, .....	Moulmein and Rangoon, .....	Steamer Fire Queen.
22nd " " " " " " " "	Mor, .....	Singapore and China, .....	Water Witch.
22nd " " " " " " " "	Bucephalus, .....	Cape of Good Hope, .....	Hotspur.
22nd " " " " " " " "	Archibald, .....	Bourbon, .....	Argo.
23rd " " " " " " " "	Travancore, .....	Cape of Good Hope, .....	Hotspur.
26th " " " " " " " "	Patriot, .....	Moulmein, .....	Steamer Fire Queen.
27th " " " " " " " "	Hotspur, .....	Cape of Good Hope, .....	Brilliant.
27th " " " " " " " "	Steamer Fire Queen, .....	Moulmein, .....	Patriot.
30th " " " " " " " "	Futteh Mobarruck, .....	Mauritius, .....	Futta Salam.
1st and 2nd February, ...	Futta Salam, .....	Ditto, .....	Parland.
1st and 2nd " " " " " " " "	Steamer Enterprize, .....	Moulmein, .....	John Hepburn.
2nd " " " " " " " "	Ditto, .....	Akyah, .....	Duke of Wellington.
2nd " " " " " " " "	Water Witch, .....	Singapore, .....	John Brightman.
2nd " " " " " " " "	Courier, .....	Akyah, .....	Steamer Enterprize.
7th " " " " " " " "	Parland, .....	Mauritius, .....	Lerida.
9th " " " " " " " "	Lerida, .....	Bourbon, .....	Nouvelle Antigone.
12th, 13th & 14th, ...	Mohassar, .....	Mauritius, .....	Michel Montague.
17th " " " " " " " "	Tenasserim, .....	Ditto, .....	Ditto.
17th " " " " " " " "	Jalawar, .....	Akyah, .....	Steamer Enterprize.

J. R. BURLTON BENNETT, Deputy Post Master General,  
In Charge.

Calcutta, General Post Office, the 2nd March 1852.

NOTICE.—The subjoined copy of a Despatch No. 29 of 1851, from the Honorable the Court of Directors, dated the 24th September, forwarded to this Office by the Government of Bengal, is published for general information.

J. R. B. BENNETT,

Deputy Post Master General,  
in Charge.

Calcutta, General Post Office, }  
the 8th November, 1851. }

PUBLIC DEPARTMENT,  
No. 29 of 1851.

Our Governor of the Presidency of Fort William  
in Bengal.

1st. We have been informed, by direction of Her Majesty's Post Master General, under date the 18th instant, that " His Lordship has obtained the authority of the Treasury to despatch in future from the General Post Office in London the Mail for India via Marseilles on the evening of the 8th of the month, instead of the 7th as hitherto, except on the occasions of the 8th falling on a Sunday, when the Mail will be despatched on the evening of the following day, and that this arrangement will come into operation with the Mail of the 8th proximo."

2nd. You will be careful, that the several Post Masters under your Presidency are duly advised

of this alteration which we have by the present Mail notified to our Agents at Aden and in Egypt.

We are, &c.,

(Signed) JOHN SHEPHERD,  
and 12 other Directors.

London, the 24th September, 1851.

(True Copy.)

(Signed) W. SETON-KARR,  
Under Secy. to the Govt. of Bengal.  
(True Copy.)

J. R. B. BENNETT,

Deputy Post Master General, in Charge.

NOTICE.—Post Offices have been permanently established at the following places in Bengal :—  
Nauthpore, 48 Miles North-West of Purneah.  
Serajgunge, 65 Miles from Pubnah.  
Nowhatta, 34 Miles from Jessore.

J. R. BURLTON BENNETT,

Deputy Post Master General, in Charge.

Calcutta, Genl. Post Office, }  
the 24th December 1851. }

NOTICE.—The General Treasury will be closed on Saturday the 6th and Monday the 8th proximo, on account of the Hindoo Holidays Dole Jatra.

J. I. HARVEY, Sub-Treasurer.

General Treasury, the 24th February 1852.

**OPIUM NOTIFICATION.**—Notice is hereby given, that the Third Sale of Opium, the Provision of 1850-51, will be held at the Exchange Hall, on Wednesday, the 10th March 1852, at 11 A. M., and will comprise 2,800 Chests, viz.:

Behar Opium,..... 1,920  
Benares Ditto, ..... 880

Total Chests,... 2,800

2. The general conditions of the sale now advertised will be the same as usual. They may be ascertained by reference to the Notification issued on the 5th November 1851, and published in the *Calcutta and Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 16th and 25th March 1852, respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper, or other Public Securities that may be tendered for Deposit in redemption of Promissory Notes given by purchasers at the Sale, will be received after 4 P. M. of Tuesday, the 16th March 1852; and no Treasury Receipts in full payment of lots will be accepted after 4 P. M. of Thursday, the 25th March 1852.

4. In addition to the quantity above advertised for Sale, the following quantities, more or less, of Behar and Benares Opium of 1850-51, will be brought to Sale in the present year on or about the dates specified below:

	Behar, about Chests.	Benares, about Chests.	Total, about Chests.
On or about Monday, 12th April 1852,.....	1920	880	2800
On or about Monday, 10th May 1852, .....	1920	880	2800
On or about Thursday, 10th June 1852, .....	1920	880	2800
On or about Monday, 12th July 1852, .....	1920	880	2800
On or about Tuesday, 10th August 1852, ...	1920	880	2800
On or about Friday, 10th September 1852, }	1920	880	2800
On or about Monday, 11th October 1852, ... }	1920	880	2800
On or about Wednesday, 10th November 1852, }	1920	880	2800
On or about Friday, 10th December 1852, }	1892	869	2761
	17252	7909	25161

By order of the Board of Revenue, Fort William, the 21st February 1852,

CECIL BEADON, Junior Secretary.

**OPIUM NOTIFICATION.**—With reference to the advertisement issued from this Office, under date 5th November 1851, it is hereby notified, that 800 Chests of Behar Opium of the sale held on the 10th February 1852, which were reserved for the French Government, and have not been cleared, will be resold on account of Government

at the Exchange Hall, on Wednesday, the 10th March 1852, immediately after the conclusion of the sale of 2,800 Chests advertised for that day.

2. The conditions of resale will be the same as those of the sale of the 2,800 Chests referred to.

By order of the Board of Revenue,

CECIL BEADON,

Junior Secretary.

Fort William,  
the 25th February 1852. }

THE Commissioners for the Improvement of the Town of Calcutta, acting under the authority of Act X. of 1852, publish for general information.

1st. Section XXXVII. of the said Act, viz., "Where any house, building, or ground, within the said Town, has been vacant for sixty consecutive days in any quarter of a year, the rates for that quarter shall be remitted, provided that the owner of such house, building, or land, shall have given notice in writing of the vacancy thereof, to the Secretary of the Commissioners, within seven days next after the day on which it becomes vacant; and if such notice of vacancy be not given within the said seven days, the said rates shall be remitted from the day on which the notice may be delivered to the Secretary."

2nd. By virtue of the powers given to the Commissioners in Sections XXXIII, XLIII, XLIV. and XLVI. of the said Act, the Commissioners have delegated authority as follows:

Firstly. To Baboo Ramdhun Ghose, Officiating Collector, to sign and issue Assessment Bills for the House Tax imposed under the Statute 33rd of George III., Chapter LII., Section CLVIII., Act XVI. of 1847, and Act X. of 1852, in the form A. contained in the Second Schedule annexed to the last mentioned Act, or to the like effect. Also to sign and issue the Assessment Bills of the Tax on Carriages and Horses for the 12th quarter, (viz.) the months of November and December 1851, and January 1852.

Secondly.—To the Collecting Sircars to sign for the Collector and serve the "Notices of Demand" in the form B. contained in the said second Schedule, or to the like effect.

Thirdly. To Ramdhun Ghose, 1st Division,

Mr. J. Markham, 2nd ditto,

Mr. J. Riddle, 3rd ditto.

Mr. R. W. Sherriff, 4th ditto,

authority to collect the arrears of the Tax on Carriages and Horses, and to sign and issue Notices of Demand for the same in their respective Divisions.

Fourthly. To Mr. J. O. Beckett, Secretary, to sign and issue "Summons to pay and Summons to give evidence" in the forms C. and D., respectively, contained in the said second Schedule, or to the like effect.

By order of the Commissioners,

J. O. BECKETT,

Secy. to the Comrs.

1st March 1852.

**EDUCATION NOTICE.**—A special examination of candidates for admission to the Free and Stipendiary lists of the Medical College, will be held in that Institution, during the first week in June next.

2nd. There are several stipendiary vacancies of Eight Rupees per mensem each, tonable for five years. No candidate can be admitted under the full age of 16, or above that of 20 years, on any account whatever.

3rd. Every applicant for admission must bring a letter of recommendation from some respectable person, certifying that he is of good character, and worthy of admission to the privilege of studying in the Medical College.

4th. The candidates must present themselves before the Secretary to the College, at least three days prior to the date of examination, with a view to their being identified as the persons really desiring admission.

5th. All candidates will be expected to possess such knowledge of English, so as to be able to read, write, and speak it with ease and fluency. They must be able to analyze a passage in Milton's *Paradise Lost*, Robertson's *Histories*, or works of a similar classical standard,—be acquainted with the elements of Arithmetic, Algebra, Geometry, and Natural Philosophy,—and bring Certificates from the Head Masters of the Schools in which they have studied, expressly stating that they possess the information required, and are capable of undergoing the ordeal proposed. The preference in selection will always be given to those who possess the greatest amount of information in the abovementioned branches of Education.

6th. The course of instruction given in the Bengal Medical College is recognized by the University of London, the Royal College of Surgeons of England, and the Worshipful Society of Apothecaries of London—the Degree, Diploma, and Licenses of which bodies, respectively, can be obtained by any pupil who has studied in Calcutta, provided he passes through the particular course and extent of study required by each—of which every particular may be ascertained on personal application to the Secretary, Medical College.

(By order,)

FRED. J. MOUAT, M. D.,

Secretary.

Council of Education, }  
the 1st March 1852. }

**Court for the Relief of Insolvent Debtors at Calcutta.**

In the matter of Michael } On Saturday, the  
Schlatter, an Insolvent. } 14th day of February  
instant, it was ordered that the several claim-  
ants or holders of the several Bills, that is to say,  
J. Greig, A. Patton and Co., account of Bill  
No. 352 of 1837, for Company's Rupees 4,997-  
4-8, Balance of account Keatner and Menard of  
Havre for Company's Rupees 420, Coll. James  
account of Bill No. 320 of 1837, for Company's  
Rupees 1,250, Balance of account William Shand  
and Co., of Glasgow, for Company's Rupees  
35,872-9-1, Balance of account Daniel and  
Thomas Willis, of Liverpool, for Company's Ru-  
pees 21,723-1, Rohzdorf, father and son, of  
Zurich in Switzerland account of Bill No. 323  
of 1837, for Company's Rupees 3,816-5-4. Cap-  
tain and Owners of the Bark Perthshire in Eng-  
land for Company's Rupees 30,000, Captain and

Owners of Bark *Marinus* in England for  
Company's Rupees 30,000, respectively, named  
in the Schedule marked A. annexed to the  
petition of the said Assignee, filed in court, do, on  
or before the first Saturday in the month of  
February 1853, come in and prove their respec-  
tive claims, and claim dividends from the said  
Assignee, and in default thereof that the same be  
expunged, and the amount reserved in the hands  
of the said Assignee for Dividends in respect of  
the said claimants, be divided amongst the other  
creditors of the said Insolvent Firm, generally, in  
proportion to the amount of their respective  
Claims and Demands against the said Insolvent  
Estate.

J. Cochrane, Assignee.

In the matter of Samuel Howard  
Joynt, of No. 6, Somerset Place,  
Strand, in Calcutta, Merchant and  
Agent, formerly carrying on business  
of Merchants and Agents at No. 65,  
Clive Street Ghaut, Strand, in Calcutta,  
and at Benares in co-partnership with  
Thomas O'Callaghan, since deceased,  
under the name or style of Joynt and  
Co. in Calcutta, and O'Callaghan and  
Co. at Benares, afterwards carrying on  
the said business at Calcutta and Be-  
nares, together with Adolphus Ma-  
thew Francis Verploegh, and the said  
Thomas O'Callaghan, since deceased,  
under the said name of Joynt and Co.  
at Calcutta, and O'Callaghan and Co.  
at Benares, afterwards carrying on the  
said business in co-partnership with  
the said O'Callaghan, since deceased,  
under the said name of Joynt and Co.  
at Calcutta, and O'Callaghan and Co.  
at Benares, afterwards carrying on  
business as a Merchant and Agent,  
under the name or style of Munt and  
Co. at Dinapore, in the Province of  
Behar, and afterwards carrying on  
business of a Merchant and Agent at  
Allahabad, in the Province of Behar,  
under the name or style of McLeod  
and Co., and lately carrying on the  
said business of a Merchant and  
Agent at Cawnpore, in the North-  
Western Provinces of India, under the  
said name or style of Joynt and Co.,  
an Insolvent trader.

In the matter of John DeSouza, late  
Head Master of the Jessor Government  
School, and at present Propri-  
etor and Manager of the new Ve-  
rulam Academy at Bow Bazar in  
Calcutta, residing in Boitakhana in  
the said Town of Calcutta, an In-  
solvent.

In the matter of Rajessur Day, of  
No. 14, Hautcollah, Banahatta, in  
Calcutta, carrying on business as  
Jute Merchants, jointly with Rajna-  
rain Ghosal and Ramcoomar Hazrah,  
under the name, style and firm of  
Rajessur Day and Co., an Insolvent.

Wight, Attorney.

Insolvents in person.

Chief Clerk's Office, 27th February 1852.

On Friday, the 20th day of February instant, it was ordered that the Hearing in these several matters shall be on the 1st day of May next, and that the said Insolvents do then respectively attend to be examined by the said Court.



*Court for the Relief of Insolvent Debtors at Calcutta.*

In the matter of Thomas Cavendish Fenwick, of Meredith's Lane, Consaltollah, in Calcutta, Translator of Oriental Languages and a Writer of Books, an Insolvent. Notice, that an application for an *ad interim* protection Order has been this day made by the said Insolvent and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Tuesday the 9th day of March instant, at the hour of 10 o'clock in the forenoon.

"Any Creditor of the said Insolvent, desirous of opposing such application, do appear before the said Court at the time and place aforesaid."

Biddle, Attorney.

Chief Clerk's Office, 1st March 1852.

In the matter of Samuel Moreino, formerly of Chittagong, at present a prisoner in the Common Jail, late a Clerk in the Office of the Magistrate of Chittagong aforesaid, an Insolvent. Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. Cap. XXI., was filed in the Office of the Chief Clerk, on the 25th day of February last, and by an order of the same date, the Estate and Effects of the said Insolvent, were vested in the Official Assignee.

In the matter of Samuel Moreino, formerly of Chittagong, at present a prisoner in the Common Jail, a Clerk in the Office of the Magistrate of Chittagong aforesaid, an Insolvent. On Wednesday, the 25th day of February last, It was ordered that the Hearing in this matter shall be on the 1st day of May next, and that the said Insolvent do then attend to be examined by the said Court.

Smoult and Hedger, Attorneys.

Chief Clerk's Office, 2nd March 1852.

In the matter of Herambonauth Thakoor, of Patortia Ghattah in Calcutta, Banian, an Insolvent. Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. Cap. XXI., was filed in the Office of the Chief Clerk, on the 24th day of February last, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

In the matter of Herambonauth Thakoor, of Patortia Ghattah in Calcutta, Banian, an Insolvent. On Tuesday, the 24th day of February last, It was ordered that the hearing in this matter shall be on the 3rd day of April next, and that the said Insolvent do then attend to be examined by the said Court.

Orr, Attorney.

In the matter of Nonniah Mitrany, late of Burra Bazar, and formerly an occupant or tenant of certain public tatties, situated in the said Bazar in Calcutta, an Insolvent. Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. Cap. XXI., was filed in the Office of the Chief Clerk, on the 26th day of February last, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

In the matter of Nonniah Mitrany, late of Burra Bazar, and formerly an occupant or tenant of certain public tatties, situated in the said Bazar in Calcutta, an Insolvent. On Thursday, the 26th day of February last, It was ordered that the hearing in this matter shall be on the 3rd day of April next, and that the said Insolvent do then attend to be examined by the said Court.

Insolvent in person.

In the matter of James Biale Meldrum, heretofore of Commercial Buildings in Calcutta, carrying on business in co-partnership with Thomas Lindley Owen, John Finbar Hussey and Frederick Boyce, under the style or firm of Owen, Meldrum and Co., and which said business was also designated or called "The Calcutta and Cawnpore Waggon Train Company," and now of Burdwan in the Province of Bengal, but at present residing at Bow Bazar in Calcutta, a Surveyor in the employ of the East Indian Railway Company, an Insolvent.

Notice, that the joint and separate petitions of the said Insolvent, seeking the benefit of the Act XI. Vic. Cap. XXI., was filed in the Office of the Chief Clerk, on the 21st day of February last, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

In the matter of James Baile Meldrum, of Burdwan in the Province of Bengal, but at present residing in Bow Bazar in Calcutta, a Surveyor in the employ of the East Indian Railway Company, an Insolvent.

In the matter of James Biale Meldrum, heretofore of Commercial Buildings, in Calcutta, carrying on business in co-partnership with Thomas Lindley Owen, John Finbar Hussey and Frederick Boyce, under the style or firm of Owen, Meldrum and Co., and which said business was also designated or called "The Calcutta and Cawnpore Waggon Train Company," and now of Burdwan in the Province of Bengal, but at present residing at Bow Bazar in Calcutta, a Surveyor in the employ of the East Indian Railway Company, an Insolvent.

On Saturday, the 21st day of February last, It was ordered that the hearing in the joint and separate matters shall be on the 1st day of May next, and that the said Insolvent do then attend to be examined by the said Court.

In the matter of James Biale Meldrum, of Burdwan in the Province of Bengal, but at present residing in Bow Bazar in Calcutta, a Surveyor in the employ of the East Indian Railway Company, an Insolvent.

Marshall, Attorney.

Chief Clerk's Office, 2nd March 1852.

NOTICE is hereby given, under Section VI. Act No. I. of 1845, that there will be put to public and unreserved Resale under Section XVI. of the above Act, at the Collector's Office of the District of Tipperah, on Tuesday, the 23rd March 1852, or 11th Chyta 1258 B. S., for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue up to the kist of Aughun of the year 1258 B. S.

No. of Class.	Class of Mehal.	Number of Mehal on the District Rent Roll or Register.	Names of Mehals.	Recorded Proprietor.	Sudder Jumma.	Balance due up to kist Aughun 1258 B. S.	REMARKS.
1	Permanently settled Mehal, .....	671	Moodafut Hissa, 3 a. 5 g. of Kisto Rughoonath in Moodafut Talook, Sheik Laul in Talook Chand Futteh, Tuppeh Furkabad, .....	Mahomed Molaim,.....	11 14 3	8 8 6	

Zillah Tipperah, Collector's Office, the 23rd February 1852.

J. S. SPANKIE, A. Collector.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the undermentioned Estates in Zillah West Burdwan will be put to public and unreserved Sale at the Deputy Collectorate of Bancoorah, on Thursday, the 25th March 1852, or 13th Chyta 1258 B. S., for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 1st November 1851.

Number.	Class of Mehal.	Number of Mehal on the District Rent Roll or Register.	Name of Mehal.	Recorded Proprietors.	Sudder Jumma.	Balance due on the 1st November 1851.	REMARKS.
1	Temporary settled Mehal, .....	263	Majee Berrah, .....	{ Dhurmo Doss Mookerjee, Nehal Chunder } Mookerjee, and Puddo Lochun Mookerjee, }	10 3 10	4 0 0	{ The entire Estate will be sold.

Bancoorah, Deputy Collectorate, the 23rd February 1852.

A. W. RUSSELL, Officiating Deputy Collector.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the undermentioned Estates in Zillah Tipperah, will be put to public and unreserved Sale at the Collector's Office of that District on Friday, the 26th March 1852, or 14th Chyete 1258 B. S., for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized.

No. of Class.	Class of Mehala.	Number of Mehala on the District Rent Roll or Register.	Names of Mehala.	Recorded Proprietors.	Sudder Jumma.	Balance due up to the end of Maugh 1258 . B. S.	REMARKS.
1	Permanently settled Mehala, ... }	522	Kismut 3 annas in Pergh. Poorchundy, .....	Moonshee Amjeed Allee, .....	235 11 9	62 14 10	This Mehala was settled for a period of 50 years from 1254 to 1303 B. S., and the purchaser will acquire a proprietary right.
2	Ditto, .....	523	Kismut 1 anna in Pergh. ditto, .....	Golam Hoshein Choudry, .....	63 0 8	32 1 8	
3	Ditto, . .... }	1329	Kismut 3 gundahs, Moodafut Hissa, 1 anna 4 gundahs of Deboochaund Roy in Pergh. Shugdee, }	Golam Hoshein, .....	41 9 7	16 0 0	
4	Settled for a period of 50 years, }	878	Kismut Mutlub, &c., Dhee No 17 in Pergh. Muhutpore, .....	Golam Hoshein, Shorjomony Shah, .....	171 12 11	53 4 0	
5	Permanently settled Mehala, ... }	25	Talook Rutteenath Chukro in Pergh. Kurdee, .....	Kishenshunker Ghoshal, .....	38 2 8	14 11 2	
6	Ditto, .....	570	Talook Doorga, Ramanund Jugernath in Pergh. Poorchundy, .....	Bechoo, .....	17 1 1	5 5 4	
7	Ditto, .....	756	Talook Hashim, Pattarree Moodafut Hissa, 3 annas 5 gundahs of Kisto Rughoonath Singh in Tuppeh Furkabad, .....	Doulut Gazeer, .....	64 9 7	24 1 1	
8	Ditto, .....	932	Talook Khellaram Deb Dutt in Pergh. Muhutpore, .....	Shorjomony Shahah, .....	37 15 6	14 8 0	
9	Ditto, .....	1003	Talook Rughooram Mojomdar in Pergh. ditto, ... }	Sreenuttee Mymona Bebee, Hazaree Khan, .....	17 11 9	6 0 0	
10	Ditto, .....	1016	Talook Ramdhun Singh in Pergh. ditto, .....	Golam Hoshein, .....	57 4 3	23 2 1	
11	Ditto, .....	1521	Talook Ramgungadhur Moodafut Talook, Fazael Mahomed, in Pergh. Singergaon, .....	Chittooo Meah, Noa Meah, Amanooddeen Meah, Kanaloodeen Meah, .....	39 10 8	16 3 2	

Zillah Tipperah, Collector's Office, the 26th February 1852.

J. S. SPANKIE, Acting Collector.



Report showing the smallest Depth of Water in the Bhaugiruttee, Jellinghee and Matabangah Rivers, on the 22nd February 1852.

Names of Rivers.	Smallest Depth of Water.		Where Shallowest.
<b>Bhaugiruttee River.</b>			
At its entrance. ...	0	0	} Closed.
Below the entrance. ...	0	0	
From thence to Jungypore. ...	0	2	At Annundauggur.
From Jungypore to Sadduckbaugh. ...	0	3	" Sampore.
From Sadduckbaugh to Berhampore. ...	1	5	" Rajarampore.
From Berhampore to Cutwa. ...	1	5	" Rampall.
And from Cutwa to Nuddeah. ...	1	3	" Pattanparrah.
	1	5	" Berhampore.
	1	5	" Jalalpure.
	1	3	" Mirzapore.
	1	3	" Khosaulpure.
	1	5	" Augurdeep.
<b>Jellinghee River. *</b>			
At its entrance. ...	5	0	} Below the entrance.
From thence to Bausemarree. ...	2	6	
	2	3	" Lalkoop.
	2	0	Above the old entrance
	2	0	At Deeguleandy.
	2	0	Below Budderpore.
	2	0	" Bausemarree.
From Bausemarree to Teeahkattah. ...	2	0	At Gopalpure.
	2	3	" Doolahpure.
	2	3	" Ootumpore.
	2	3	Below Dhoradah.
From Teeahkattah to Sonatullah. ...	2	6	Old Mooktarpore.
	2	8	Below Gopeenathpure
And from Sonatullah to Moisegunge. ...	2	9	At Essorchunderpure.
	3	0	" Gokoopottah.
	3	0	" Hurringdangah.
	3	0	" Sahibnuggur.
<b>Matabangah River.</b>			
At its entrance. ...	15	0	} At Dewangunge.
From thence to Hautboleah. ...	10	0	
From Hautboleah to Katchikattah. ...	0	3	" Boleah.
From Katchikattah to Kishengunge. ...	0	4	Below Bogadhee.
And from Kishengunge to Seelpore. ...	1	9	At Ashmancolly.
	1	11	" Batchamarree.
	2	3	" Tahidah.
	2	3	" Goyea.
	2	6	" Ranaghaut.

No Water on Guage at Berhampore.

J. LANG, Supt., Nuddeah Rivers.

Jellinghee Head, 25th February 1852.

\* A. New entrance channel, completed on the 22nd, deepened below the entrance from 1 foot 6 inches to 2 feet 6 inches.

Depth in old entrance 1 foot 6 inches, closed by Bandahla, 25th February 1852.

#### Calcutta Steam Tug Association.

THE Half-Yearly Meeting of the Shareholders of the Calcutta Steam Tug Association, will be held at the Office of the Secretaries, on Monday, the 15th instant, at noon.

The Meeting will be made special, with reference to the Fifth Resolution of the last Half-Yearly Meeting, to take into consideration the re-valuation of the property of the Association.

GORDON, STUART & Co.,  
Secretaries.

Calcutta, 1st March 1852.

NOTICE is hereby given, that Tenders will be received from parties desirous of becoming purchasers of the Ceylon Government Steam Vessel

"Seaforth."

now riding in this Port, to be parted with in consequence of her services being no longer required.

This vessel was built at Bombay in 1840, by Nowrojee Jamsetjee, for the Government of Ceylon, on plans prepared at the Admiralty; is 206-9-94 Tons by old measurement, and 164. 720 by new; has two of Messrs. Bolton and Watts' thirty horse-power Engines; has recently been supplied with new tubular Boilers, and is ready for immediate use.

Tenders addressed to the Hon'ble the Colonial Secretary, at Colombo, will be received until the vessel is disposed of.

(Sd) JAS. STEWART,

Master Attendant.

Master Attendant's Office,  
Colombo, 18th Dec. 1851 }

#### India General Steam Navigation Company.

NOTICE is hereby given, that the General Half-Yearly Meeting of Shareholders of the above-named Company, will be held on Monday, the 15th of March next, at 3 o'Clock, P. M., at the Office of the Company.

After closing the ordinary business of the day, the Meeting will be made special, to take into consideration the amount of future remuneration to be allowed to the Auditors of the Company.

By order of the Directors,

H. N. P. GRANT, Secretary.

I. G. S. N. Co.'s Office, Clive Street Ghat,  
Calcutta, Monday, Feb. 2nd, 1852.

NOTICE.—The Effects of the late Captain James Hargraves, of the Ship "Duke of Wellington," are under the Seal and Custody of this Court, and will be delivered to any person duly authorized to receive them.

F. W. RIPLEY,

Offg. J. A. Comr., in Charge.

Akyab, Civil Court,  
the 20th February 1852. }

NOTICE.—The Effects of the late Alfred Savigney, Esq., European British Subject, Head Master of the Akyab Government School, are under the Seal and Custody of this Court, and will be delivered to any person duly authorized to receive them.

F. W. RIPLEY,

Offg. J. A. Comr., in Charge.

Akyab, Civil Court,  
the 20th February 1852. }

STOLEN.—The two Halves of a Bank of Bengal Note, No. 31577, amounting to Rs. 100, the payment of which has been stopped in the Bank. The owner of the Bank Note is Nobogopal Roy, an amlah in the Office of the 1st Class Assistant Agent Governor General, of Manbhoom.

NOTICE.—I have from this day authorized my Son, Manackjee Rustomjee, to sign my name per procuration.

RUSTOMJEE COWASJEE.

Calcutta, 1st March 1852.

#### North-Western Bank of India.

THE opinion of Counsel, which has been taken as resolved by the Shareholders at the last Half-yearly General Meeting, being favorable to the feasibility of registering the Bank under Act No. XLIII. of 1850, the Manager hereby calls a Special Meeting of the Shareholders for the purpose of resolving that the Company shall be registered under the said Act, to be held at the Bank Premises, No. 4, Old Council House Street, Calcutta, at Noon, on Tuesday, the 20th day of April 1852.

This notice is given in pursuance of and as required by the fourth Section of the said Act XLIII. of 1850.

JOHN O'B. TANDY,

Manager.

North-Western Bank of India, }  
Calcutta, 27th December 1851. }

#### BANK OF BENGAL RATES.

##### DISCOUNT.

Private Bills and Notes at or within 3 months, .....	9 per Cent.
Government Acceptances do., ....	5 " "

##### INTEREST CHARGED.

On Fixed Loans, not exceeding 3 months, on Deposit of Company's Paper, .....	7 " "
On Deposit of Opium, .....	8 " "
On Deposit of Metals and Indigo, .....	8 " "
On Deposit of other Goods, ....	9 " "
On Accounts of Credit, not exceeding 3 months, on Deposit of Company's Paper, .....	7½ " "
On Deposit of Opium, .....	8½ " "
On Deposit of Metals and Indigo, .....	8½ " "
On Deposit of other Goods, ....	9½ " "

W. GREY, Secy. & Treasurer.

Bank of Bengal, }  
Calcutta, 26th Feb. 1852. }

#### Military Orphan Press.

IT is hereby notified, for general information, that from and after the date of this advertisement all Bills and Receipts connected with the Military Orphan Press, will be signed by the Secretary of the Military Orphan Society, and that without such signature no Bills nor Receipts will be considered valid and sufficient.

By order of the General Management of the Military Orphan Society,

JOHN T. D. KIDD,

KIDDERPORE. } Secy. M. O. S.  
31st January, 1851. }

#### JUST PUBLISHED.

And for Sale at the Exchange Hall,  
AN INDEX to the Acts of the Legislative Council of India, from their commencement to the close of the year 1849.

By JAMES SMALL.

THIS DAY IS PUBLISHED,

The New Quarterly Bengal Army List,  
No. XII.

OF HER MAJESTY'S AND THE HON'BLE COMPANY'S  
FORCES ON THE BENGAL ESTABLISHMENT.

Exhibiting the Rank, Standing, and Various Services of every Officer in the Army, distinguishing those who have received Medals and other distinctions, and who have been wounded, and in what actions; with their period of Service and dates of Commission.

CORRECTED TO 10TH JANUARY, 1852.

To which is added,

A List of Civil Servants

IN BENGAL AND THE NORTH-WESTERN PROVINCES  
with the dates of their Appointments, &c.

PRICE—Four Rupees, each Quarterly Number, or  
to Subscribers, 12 Rupees per Annum,

Payable in Advance.

It is requested that all communications, orders or remittances for the above Army List be sent to the publishers, R. C. Lepage and Co.

A few Copies of previous Numbers of the New Army List are available to parties desirous of securing a complete series of the publication.

13th January, 1852.

#### A MANUAL OF ANATOMY IN HINDUSTANI.

By FRED. J. MOUAT, M. D. F. R. C. S.;

&c. &c. &c.

##### ALREADY PUBLISHED.

- Part. V. Containing the Brain and Nervous System, with 23 marginal illustrations.
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Each part is distinct, complete, and separately paged.

The remaining parts, containing the General Anatomy of the Tissues, Bones and Ligaments, the Muscular and Vascular Systems, with the viscera of the Chest, Abdomen and Pelvis, are in course of preparation, and will appear as quickly as the limited leisure at the disposal of the Author will permit. They will all be translated from the last Edition of Quain and Sharpey's Elements of Anatomy, by permission of Professors Sharpey and R. Quain.

The illustrations, drawn on Stone, are by Mr. C. Grant.

Price, per part, plain, ..... 3 Rupees.  
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Sold at the Government Book Agency.

For Sale at the Military Orphan Press,

PRICE 3 RUPEES,

AN ACT for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service.

AND

AN ACT for Limiting the Time of Service in the Army.

## GOVERNMENT BOOK AGENCY.

**EDUCATION NOTICE.**—Under the sanction of Government and with a view to extend the benefits of Education as widely as can be accomplished by such means, the Book Agent is authorized to sell at **COST PRICE**, with a small additional per centage to cover the interest of outlay, all Works of which complete editions are purchased by, or published under the authority of the Government, to public and private Schools without distinction.

The following Works are at present in store at the Book Agency for sale:

No. of Copies.				Price per Copy.		
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1	Penny Magazine for 1842, ...	...	...	...	4	14 0
5	Biographical Dictionary, by S. D. U. K., vol. I., part I.,	...	...	...	7	10 0
7	Ditto " ditto, vol. I. " II.,	...	...	...	7	10 3
6	Ditto " ditto, vol. II. " I.,	...	...	...	8	1 3
7	Ditto " ditto, vol. II. " II.,	...	...	...	5	6 6
6	Ditto " ditto, vol. III. " I.,	...	...	...	7	8 6
5	Edinburgh Cabinet Library,	...	...	...	3	0 0
1340	Newmarch's Arithmetic,	...	...	...	1	8 0
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467	Ditto ditto, " No. III., Miscellaneous Reading,	...	...	...	2	0 0
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5	Peacock's Algebra, vol. I., }	...	...	...	19	0 4
8	Ditto " " II., }	...	...	...	6	0 8
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17	Hall's Differential and Integral Calculus,	...	...	...	38	10 0
12	Grote's History of Greece, in 4 vols., ...	...	...	...	18	1 10
14	Mill's Logic, in 2 vols., ...	...	...	...	3	10 0
14	Stow's Training System, ...	...	...	...	3	0 0
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19	Ditto Introduction to Natural Philosophy,	...	...	...	4	12 8
9	Somerville on the Connection of the Physical Sciences,	...	...	...	5	0 0
41	D. L. Richardson's Lives of the British Poets,	...	...	...	12	0 0
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59	Ditto " for 1846-47,	...	...	...	2	0 0
54	Ditto " for 1847-48,	...	...	...	3	4 0
271	Map of Europe in the Bengalee Character,	...	...	...		

FRED. J. MOUAT, M. D.,

Govt. Book Agency, 30th August, 1851.

Govt. Book Agent.





SUPPLEMENT TO  
**The Calcutta Gazette.**

Published by Authority.

WEDNESDAY, MARCH 3, 1852.

*Fort William, Home Department, Legislative,  
the 27th February 1852.*

The following Act, passed by the Governor General of India in Council on the 27th February 1852, is hereby promulgated for general information:

ACT No. XIII. OF 1852.

*An Act for consolidating and amending the Regulations of the Calcutta Police.*

Whereas it is expedient to consolidate and amend divers Rules, Ordinances, and Regulations which from time to time have been passed in Council, and registered in the Supreme Court, for the good order and civil government of the Presidency and Settlement of Fort William in Bengal, It is enacted as follows:

I. Section VIII. of Act XXI. of 1839, and the Rules, Ordinances, and Regulations for the good order and civil government of the Settlement of Fort William in Bengal, passed in Council, and registered in the Supreme Court, on the several days hereinafter mentioned, are repealed, but not so as to revive any other Rules, Ordinances, and Regulations thereby repealed.

*List of Repealed Ordinances.*

Date of passing in Council.	Date of Registry in the Supreme Court.
26th July 1814.	11th November 1814.
1st March 1816.	26th March 1816.
23rd March 1816.	13th April 1816.
14th June 1816.	8th July 1816.
19th October 1816.	12th November 1816.
28th March 1817.	21st April 1817.
13th January 1818.	7th February 1818.
9th July 1819.	22nd October 1819.
24th March 1820.	17th April 1820.
21st August 1821.	13th November 1821.
8th March 1827.	27th April 1827.

II. If any person within the said Town, having sufficient means or employment, shall not duly maintain his wife or his legitimate or illegitimate children, and shall be thereof convicted before a Justice of the Peace, upon his own confession or the oath of one or more credible witnesses, the said Justice may make an order upon such person for the maintenance of such wife and children, or any of them, at such monthly rate as to the Justice seems reasonable, and upon non-compliance with the said order for any one month, or longer period, any Justice, by warrant under his hand and seal, may commit the person so convicted to the Common Gaol of Calcutta without labour, or to the House of Correction to hard labour, for any time not exceeding two Calendar months.

Justices of the Peace may make order of maintenance for wives and children.

III. Every person who shall be brought before a Justice of the Peace charged with having in his possession, or in his premises with his knowledge, or with conveying in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Justice how he came by the same, shall be deemed guilty of a misdemeanor, and, on conviction thereof before such Justice, shall be liable to a penalty not exceeding one hundred rupees, or, in the discretion of the said Justice, to imprisonment, with or without hard labour, for any time not exceeding three Calendar months.

Persons convicted of having or conveying stolen goods liable to penalty.

IV. When any person shall be brought before a Justice of the Peace charged with having in his possession, or in his premises with his knowledge, or with conveying, anything stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, such Justice shall cause every such person, and also if necessary every former or pretended purchaser, or other person through whose possession the same shall have passed, to be brought before him and examined, and shall examine witnesses upon oath touching the same, and if it shall appear

Persons in whose possession stolen goods are found to be examined, &c.

to such Justice that any person shall have had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be deemed guilty of a misdemeanor, and shall be liable to a penalty not exceeding one hundred rupees, or, in the discretion of the Justice, may be imprisoned, with or without hard labour, for any time not exceeding three Calendar months. Every such person shall be deemed to have had possession of such thing at the time and place when and where the same shall have been found or seized, and the possession of a carrier, agent, or servant shall be deemed to be the possession of the person who shall have employed such carrier, agent, or servant to keep or convey the same.

V. If information shall be given on oath to a Justice of the Peace that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, building, or other place, such Justice, by special warrant under his hand, directed to any police officer or constable, may cause such dwelling-house, building, or other place to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant, and the said Justice, if it shall appear to him necessary, may empower such police officer or constable, with such assistance as may be found necessary, (such constable having previously made known his authority,) to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made any such thing shall be found, then to convey the same before a Justice, or to guard the same on the spot, until the offenders are taken before a Justice, or otherwise dispose thereof in some place of safety, and moreover to take into custody, and carry before the said Justice every person found in such house or place, who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

VI. If information shall be given to any Superintendent, Deputy Superintendent, or Inspector belonging to the Calcutta Police, that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any dwelling-house or other place, and the said Superintendent, Deputy Superintendent, or Inspector shall have good grounds for believing that, by reason of the delay in obtaining a search-warrant, the property is likely to be removed, the said Superintendent, Deputy Superintendent, or Inspector, in virtue of his office, may search for specific articles alleged to have been stolen in the houses and places specified; provided always that a list of the articles stolen or missing be delivered and taken down in writing, with a declaration stating that the robbery has been committed, and that the informant has good ground to believe that the property is deposited in such house or place; and provided further that the person who lost the goods, or his representative, accompany the officer in the search.

VII. All persons charged with the commission of any of the offences specified in Acts XXI of 1839 and III of 1842, may be tried by any Justice of the Peace for the said Town, provided the value of the

property which the prisoner is charged with having stolen does not, according to the belief of such Justice, exceed fifty rupees, anything in the said Acts to the contrary notwithstanding; and all the powers by Act XXI of 1839 (except Section VIII. aforesaid) and Act III. of 1842, given or reserved to any such Justice for the trial, conviction, and sentence of parties charged with having stolen property not exceeding twenty rupees in value, and all the provisions of the said Acts (except as aforesaid) shall extend and be applicable to the trial, conviction, and sentence of parties charged with having stolen property, not exceeding, according to the belief of the Justice, fifty rupees in value.

VIII. Every person charged with the offence of feloniously receiving goods or money, knowing the same to be stolen, may be tried by any Justice of the Peace, provided that the value of the property stolen or received does not, according to the belief of the Justice, exceed fifty rupees, and every such person, on conviction of any such offence, shall be liable, at the discretion of the Justice, to be imprisoned, with or without hard labour, for any term not exceeding six Calendar months; and all the powers and provisions of Act III. of 1842 and Act XXI. of 1839, except Section VIII. aforesaid, shall apply, so far as they may be applicable, to the trial, conviction, and sentence of any person charged under this Section with the offence of feloniously receiving goods or money knowing the same to be stolen; provided always, that if it shall appear to the said Justice that such person has been previously convicted of, or is in the habit of receiving, stolen goods, knowing the same to be stolen, the said Justice shall commit such person for trial before the Supreme Court of Judicature.

IX. Every person who is accessory, before or after the fact, to any felony which is punishable on summary conviction before any Justice is liable to be tried and convicted summarily before such Justice on his own confession or the oath of one or more credible witnesses, and the convicting Justice shall have power to sentence any such accessory to imprisonment, with or without hard labour, for any time not exceeding six Calendar months, or in his or their discretion, instead of trying him, to commit him for trial to the Supreme Court of Judicature, or other court having authority to try him.

X. Whenever any boy, under the age of sixteen years, is convicted before a Justice of the Peace, either of simple larceny under the said Act XXI. of 1839, or, under this Act, of feloniously receiving goods or money knowing the same to be stolen, or of being an accessory to any felony which is punishable on summary conviction before any Justice, the said Justice, if he thinks fit, may sentence him to receive corporal punishment not exceeding fifteen stripes of a light ratan, instead of sentencing him to imprisonment.

XI. Any person who shall commit any assault, forcible entry, or other injury accompanied with force, not being felony, within the said Town, against the person or property of any person whatsoever, shall be liable, on conviction thereof before a Justice of the Peace, to a fine not exceeding one hundred rupees,



and the said Justice may award the whole or any part of such fine to the party or parties aggrieved, by way of satisfaction for such injury, or, in the discretion of such Justice, such person shall be imprisoned, with or without hard labour, for any time not exceeding four Calendar months.

**XII. Any Deputy Superintendent or Inspector**

Persons charged with recent assault may be apprehended by Police without warrant, though assault not committed in view of Police.

of Police may take into custody, or authorize a Constable to take into custody, without warrant, any person who within the said Town shall be charged by any other person with committing an aggravated assault, in every case in which such Deputy Superintendent or Inspector of Police shall have good reason to believe that such assault has been committed, although not within view of such Deputy Superintendent or Inspector, and that by reason of the recent commission of the offence, a warrant could not have been obtained for the appearance of the offender.

**XIII. If complaint shall be made before any Justice**

Unlawfully taking or enticing away married women or female children under the age of sixteen.

that any person within the said Town has unlawfully taken or caused to be taken away, against her will, any woman, or has unlawfully taken or caused to be taken or enticed away any female child under the age of sixteen years, out of the possession or protection and against the will of the husband, father, mother, guardian or other person who has the lawful order, keeping, education, or government of such child, for the purpose of living in adultery with such woman or child, or for purposes of prostitution, or of deflowering or disposing of her in marriage, it shall be lawful for the said Justice to make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, father, mother, guardian, or such other person as aforesaid, as the case may be, and to compel compliance with such order, and, if it be necessary to use force for that purpose, any Deputy Superintendent or Inspector of Police, duly authorized by the Justice in that behalf, with such assistants as he may deem necessary, may break open doors or otherwise compel compliance with the same, and the said Justice may commit any person charged with taking, or causing to be taken, or enticing any woman or female child as aforesaid, for any of the purposes aforesaid, for trial before the Supreme Court of Judicature.

**XIV. Any person who shall have or keep any**

Keeping open houses of public entertainment without licence.

house, shop, room, or place of public resort and entertainment within the said Town, wherein provisions, liquors, or refreshments of any kind shall be sold or consumed, (whether the same shall be kept or retailed therein or procured elsewhere,) without a licence for the same being first had and obtained from and under the hand of two Justices of the Peace, shall be liable, on conviction thereof before any of the said Justices, to a penalty not exceeding one hundred rupees for every day that such unlicensed house or place of public resort or entertainment is kept open.

**XV. Two or more of the said Justices shall**

Two Justices to grant licences.

from time to time hold licensing Sessions, for the purpose of granting licences to the keepers of such houses or places of public resort and entertainment as aforesaid, and the said licences

may be granted by the said Justices for any term not exceeding one year, subject to the restriction contained in Section XII. Act. XI. of 1849, and upon such conditions to be inserted in every such licence as the Justices from time to time shall order, for securing the good behaviour of the keepers of the said houses or places of public resort or entertainment, and the prevention of drunkenness and disorder among the persons frequenting or using the same.

**XVI. The keeper of every such house or place**

Penalty for parties not conforming to the tenor of their licence.

of public resort and entertainment, who shall wilfully offend against any condition of his licence, shall be liable,

on conviction before a Justice of the Peace, to a penalty not exceeding one hundred rupees for every such offence, and in the discretion of the convicting Justice, to forfeit his licence, in addition to any other penalty or punishment that shall be imposed on him.

**XVII. Every person who shall have or keep any**

Disorderly conduct and illegal harbouring of deserters in houses of public entertainment.

house, shop, room, or place of public resort or entertainment within the said Town, wherein provisions, liquors,

or refreshments of any kind shall be sold or consumed, (whether the same shall be kept or retailed therein or procured elsewhere,) and who shall knowingly or wilfully permit drunkenness or other disorderly behaviour in such house, shop, room, or place, or who shall knowingly suffer any unlawful games or any gaming whatsoever therein, or who shall knowingly permit prostitutes or persons of notoriously bad character to meet or remain therein, or who shall wilfully harbour or conceal any Seaman or Apprentice who shall have deserted, knowing or having reason to believe such Seaman or Apprentice so harboured or concealed to be a deserter, shall be liable to a penalty not exceeding one hundred rupees, and shall be liable to forfeiture of his licence, in addition to any other penalty or punishment that shall be imposed on him.

**XVIII. Every person who shall keep open his**

Hours for sale of Spirituous liquors and intoxicating drugs.

house, shop, room, or place, for the purpose of selling or retailing spirituous or fermented liquors or intoxicating

drugs, under a licence from the Collector of Calcutta, after the hour of nine at night and before the hour of six in the morning, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding twenty-five rupees, and shall also be liable, in the discretion of the said Justice, to the forfeiture of his licence.

**XIX. If any person, not being amenable to**

Introduction of Spirituous Liquors without licence into Fort William.

the Articles of War, shall take or attempt to take into Fort William any quantity of spirituous liquors, wine,

or intoxicating drugs of any description, without a licence from the Commanding Officer of the said Fort, or from some other person thereunto authorized, any Justice of the Peace, upon complaint to him thereof made, may issue his summons or warrant for bringing the party complained of, and also the liquors, wine, or drugs, and the vessels containing the same, before him, and in case of conviction may adjudge the said liquors, wine, or drugs and the vessels containing the same, to be forfeited, and every such person so convicted shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding fifty rupees, or, at the discretion of the said Justice, to imprisonment, with or with-